

02301, 9805-LL-00048

CIRCUIT COURT OF MADISON COUNTY
- TO -
COURT OF CRIMINAL APPEALS

JUDGE WHIT LAFON DIVISION I

CIRCUIT COURT CLERK JOE GAFFNEY

VOLUME II OF VII VOLUMES

STATE OF TENNESSEE

VS.

CASE NO. 96-589

JOHN DOUGLAS HALL

FELONY	<input checked="" type="checkbox"/>	MISDEMEANOR	<input type="checkbox"/>	ROR	<input type="checkbox"/>	TDOC	<input checked="" type="checkbox"/>
BOND	<input type="checkbox"/>	\$		INDIGENT	<input type="checkbox"/>		
POST CONVICTION	<input type="checkbox"/>			HABEAS CORPUS			<input type="checkbox"/>

MR. JERRY WOODALL
MR. AL EARLS
DISTRICT ATTORNEY GENERAL'S OFFICE
LOWELL THOMAS STATE OFFICE BUILDING
JACKSON, TN 38301

MR. JESSE HILL FORD III
MR. CLAYTON F. MAYO
FORD & MAYO
618 N HIGHLAND
JACKSON, TN 38301

Attorney For: APPELLEE/APPELLANT

Attorney For: APPELLEE/APPELLANT

CASE WAS APPEALED BY BOTH STATE AND DEFENDANT

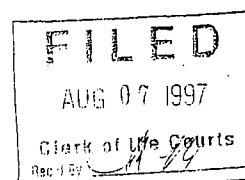
Attorney For:

Attorney For:

OFFENSE: FIRST DEGREE MURDER

SENTENCE: TDOC/DEATH

Filed the 7th day of AUGUST 1997



COURT OF CRIMINAL APPEALS

BY: [Signature]

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE

v.

JON HALL.

No. 94-342

MOTION TO DETERMINE PRIOR TO TRIAL
THE COMPETENCY OF WITNESSES

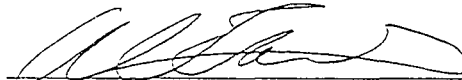
Comes now the State of Tennessee by and through the Office of the District Attorney General and moves this Honorable Court to determine pre-trial whether certain witnesses will be allowed to testify and in support of that motion the State would show that said witnesses are minor children ten years old and under and that should the Court rule that said witnesses are not able to testify the State will need time to file necessary appeals.

FILED

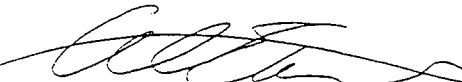
SEP 18 1996

JON HALL, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

Respectfully Submitted:

AL EARLS
ASSISTANT DISTRICT ATTORNEY
26TH JUDICIAL DISTRICTCertificate of Service

I hereby certify that I have mailed or delivered a true copy of the foregoing to Mr. Jay Ford, Attorney at Law, 618 N. Highland Ave., Jackson, TN 38301, this 6 day of September, 1996.

AL EARLS
ASSISTANT DISTRICT ATTORNEY
26th JUDICIAL DISTRICT

FILED
KERRY L. EARLS - CIRCUIT CT. CLERK

IN THE CIRCUIT COURT OF HENDERSON COUNTY, TENNESSEE

SEP 23 1996

STATE OF TENNESSEE,)

VS.)

JON HALL,)

No. 94-342; 94-452
and 94-454BY _____
DEPUTY CLERK

ORDER

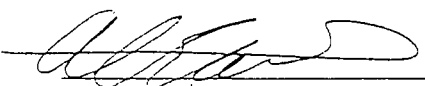
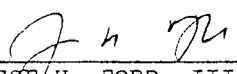
This matter came on for hearing on this the _____ day of September, 1996, before the Honorable Whit S. LaFon. After considering the Motion for Change of Venue and Defendant's renewal of the motion for change of venue, the Court finds that the motion is well taken and should be granted. The Court further finds that the venue of the trial should be changed from Lexington, Henderson County, Tennessee to Jackson, Madison County, Tennessee.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendant's Motion for Change of Venue is well taken and is hereby granted and that the venue of the matter is moved from Lexington, Henderson County, Tennessee to Jackson, Madison County, Tennessee.

Enter, this the 16 day of September, 1996.


WHIT S. LAFON, Judge

APPROVED FOR ENTRY:


AL EARLS
Assistant District Attorney
P. O. Box 2825
Jackson, TN 38302
JESSE H. FORD, III 009775
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302

IN THE CIRCUIT COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT

HENDERSON COUNTY, AT LEXINGTON TENNESSEE

DIVISION I

JON HALL

)

)

V.

) DOCKET NO. 94-342, 94-452, 94-454

)

STATE OF TENNESSEE

)

MOTION TO DISMISS / BASED ON NEWLY DISCOVERED EVIDENCE

FILED
KENTON CHAMBERS, CIRCUIT CLERK

SEP 23 1996
BY
DEPUTY CLERK

Comes now the Movant / Defendant, Jon Hall, pursuant to rule 12 (a) of the Tennessee Rules of Criminal Procedure, with a motion to dismiss all supra indictments pursuant to the above listed case numbers; In support of this motion and to apprise the court of newly discovered evidence, and will show this court the following:

1. On February 9, 1996, Movant / Defendant, Jon Hall, (referred to hereinafter as movant) went before this court pursuant to a pro-se motion to act as co-counsel under State v. Burkhardt, 541 S.W.2d 361; in reference to 10/19/96 notorized motion to dismiss all indictments pursuant to Waugh v. State 564 S.W.2d 654; As well as for a 1/11/96 notorized (motion to suppress) alleged confessions / statements / observances and the seizure of property, etc..

2. On the date in question (2/9/96), movant discovered that this court was exercising its Judicial Authority under Maritime law. (after 2/9/96 hearing, after being advised through legal consultation) Unknowingly, and unwillingly of consent to such jurisdiction, movant was coerced inside the sanctuary of the Bar, which fraudulently deprived movant of his protected constitutional rights.

3. Movant is a citizen of the United States of America. His flag is the American Flag of Peace which hangs outside the courthouse under the United States of America. Movant is a human being under the Kingdom of God of the United States of America. Movant reserves all United States constitutional rights of his country and under the jurisdiction of his flag.

4. The Courts flag is a maritime flag of war. It has a gold eagle on top and a gold braid around it.

There is no United States constitutional rights in the sanctuary of the Bar under the wars power act of 1933 by President Roosevelt. At this point in time this Court lacks jurisdiction over the movant Rule 12 (b) (1) - (b) (7) under the Federal Rules of Civil Procedure; (1) The Court lacks jurisdiction over the subject matter of movant, and (2) The Court lacks jurisdiction over movants citizenship under the American flag of Peace.

THE POLICY AND / OR CUSTOM OF THIS COURT AND THE INTENT
TO CAUSE MOVANT A CONSTITUTIONAL INJURY :

The Judge is responsible for the set up of the courtroom. He brought the flag and / or ~~allowed the Maritime~~ Flag to be brought into the Courtroom before he had subject matter jurisdiction over movant. The Maritime Flag inside the sanctuary of this Courts Bar represents the suspension of movants United States constitutional rights also;

- (1) The right to be deemed innocent until proven guilty;
- (2) The right to a fair and speedy trial embodied by the Fifth, Sixth, and Fourteenth U.S. constitutional rights to equal protection and due process.

The Judges of this Court has a sworn oath (if not expired, which is unconstitutional) to administer justice under the constitution and the laws of the United States. 28 U.S.C. section 453, which states:

Each Justice or Judge of the United States shall take the following oath or affirmation before performing the duties of his office:

"I _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the constitutions and laws of the United States. So help me God."

The phrase "Justice or Judge of the United States" was substituted for "Justices of the Supreme Court, Circuit Judges, and District Judges appearing in sections 372 and 451.

Since the Judge was acting under two (2) jurisdictions, under two different flags, this Court has lost competent Jurisdiction over movant (See e.g., actors acting in disguise, The Monroe Doctrine of 1871).

Now that this Court has used its policy and / or custom to trial movant under Maritime Law, Movant declares his sovereign immunity from prosecution under his American Flag of Peace of the United States, and under his sovereign belief under the Kingdom of his God. Movant is an ambassador under his flag of peace of the United States.

The intent to cause the movant a deprivation of his United States constitutional rights to his Fifth, Sixth, and Fourteenth Amendment rights can be mirrored under 42 U.S.C. title 1986, for the knowledge of the law when the judge brought the Maritime Flag into the Courtroom before having subject matter jurisdiction over movant, which shows and establishes intent under 42 U.S.C. 1946; (2) Policy and Custom of exercising Maritime Law under a judicial setting (See e.g., title 42 U.S.C. 1983, Chapter

21 notes 333, 349, 350, 351, 352, and 355). This also constitutes perjury of oath under title 18 U.S.C. section 1621.

CONCLUSION

Wherefore, Movant moves this court to dismiss all supra indictments for the lack of subject matter jurisdiction over movant, or in the alternative, sign the attached Judicial contract pursuant to title 3 U.C.C. section 501, to preserve movants United States constitutional rights.

Respectfully Submitted,

Jon Hall
JON HALL

SWORN AND SUBSCRIBED BEFORE ME THIS THE 17 DAY OF Sept. 1996.

NOTARY PUBLIC Hendrick W. W. Brambleton
MY COMMISSION EXPIRES July 24, 1999

CERTIFICATE OF SERVICE

I Jon Hall, HEREBY CERTIFY THAT I HAVE MAILED A TRUE AND EXACT COPY OF THE FOREGOING MOTION, JUDICIAL CONTRACT, AND THE SUPPORTING AFFIDAVIT [AMERICAN FLAG OF PEACE] ON THIS THE 18 DAY OF sept 1996 TO: THE HONORABLE JUDGE WHIT S. LAFON, P.O. BOX 7411, JACKSON TENNESSEE 38302; THE DISTRICT ATTORNEY, JERRY WOODAL, P.O. BOX 2825 JACKSON TENNESSEE 38302; THE CLERK OF COURTS, KENNY CAVNESS, LEX. TENNESSEE 38351; AND ATTORNEYS FORD / MAYO, P.O. BOX 1625 JACKSON TENN. 38302.

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I**FILED**

STATE OF TENNESSEE,)

Plaintiff,)

VS.)

JON HALL,)

Defendant.)

NO. 96-589

OCT 01 1996

JOE GAFFNEY, CIRCUIT COURT CLERK

A.M. DEPUTY CLERK

MOTION FOR CONTINUANCE

Comes your Defendant, JON HALL, by and through his attorney of record, Clayton F. Mayo, and hereby requests that this Honorable Court grant a continuance in the above matter and in support of this Motion, Defendant and Attorney would state and show unto the Court as follows:

1. That this matter is scheduled to go to trial on October 15, 1996;

2. That Attorney has difficulty communicating with Defendant as evidenced by the most recent documents filed with this Court by Defendant;

3. That this is a first degree murder case with the possibility of the death penalty, which requires a tremendous amount of research and preparation;

4. That Attorney has been advised by Defendant's private and mitigation investigators, Tammy Askew and Glori Shettles, respectively, that they are in need of additional time in which to complete their investigations and prepare Defendant for trial. Please see the attached affidavits that are incorporated herein as if specifically set out;

5. That Attorney is relying heavily on the reports and investigation of the private and mitigation investigators in his preparation for trial;

6. That Attorney has been advised by the jury consultant, Julie Fenyess, that she will not be able to be present at Defendant's trial due to a conflict on her schedule. Please see that attached affidavit this is incorporated herein as if specifically set out;

7. That it is imperative that Ms. Fenyéss be present for the jury selection;

8. That Attorney Clayton F. Mayo is required to be at the Sixth Circuit Court of Appeals in Cincinnati, Ohio, on October 15, 1996, for oral argument of a double homicide case that is on appeal from Federal Court Case No. 93-10052. Attorney Clayton F. Mayo filed a Motion for Continuance in that case and Attorney's office was notified on October 1, 1996, at 9:30 a.m. that his Motion had been denied. Please see the attached Affidavit regarding this notification;

9. That Attorney submitted a Motion and Order to have Defendant Transferred to Madison County Penal Farm or Madison County Jail to Assistant District Attorney on August 27, 1996, requesting that Defendant be brought back to Madison County at least thirty (30) days prior to trial;

10. That as of the date of filing this Motion, the State has not signed this Order;

11. That Defendant is being held at Riverbend Maximum Security Institute in Nashville, Tennessee, and it is and has been extremely difficult for Attorney to visit with his client in order to properly prepare for his defense;

12. That Attorney's office was advised by the District Attorney's Office, on September 25, 1996, that a "Go-Get" Order was filed with the Court to have Defendant brought back to Madison County on October 7, 1996, just one week and one day prior to the start of his trial;

13. That Attorney has not been informed of the jury pool;

14. That a jury questionnaire has not been submitted to the jury pool;

15. That Attorney Clayton F. Mayo is scheduled to attend a seminar entitled Meeting the Need ... Qualified Death Penalty Defense Lawyers in Nashville, Tennessee on October 4-5, 1996, an appearance oral argument in the Court of Criminal Appeals on October 2, 1996, and a Circuit Court trial, case no. 95-617: Attempt to Commit First Degree Murder, Aggravated Assault, Reckless Endangerment, Especially Aggravated Kidnapping, DUI, and Reckless

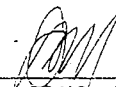
Driving. Therefore, these will detract from my time to prepare for this most demanding trial and a special setting of this case, not in the middle or end of criminal trial term, will be much more helpful;

16. That Attorneys feel they are in need of more time to adequately and competently prepare for this trial.

BASED UPON THE FOREGOING, Attorney respectfully requests that this Honorable Court grant a continuance in this matter.


DATED this the 1st day of October, 1996.

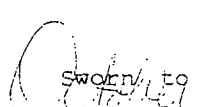
Respectfully submitted,

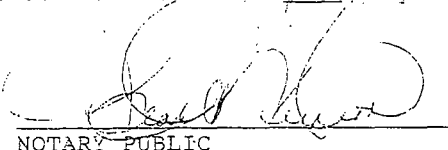

CLAYTON F. MAYO, #014138
Appointed Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

AFFIDAVIT

I, Clayton F. Mayo, do hereby affirm and state that this Motion for Continuance was not filed with this Court to prolong this case, but only to assure that my client, JON HALL, receives adequate and competent representation for this most difficult and complex case.


CLAYTON F. MAYO



Sworn to and subscribed before me this the 1st day of October, 1996.


NOTARY PUBLIC

My Commission Expires: 10/15/99

CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, TN 38302, this the 1st day of October, 1996.


CLAYTON F. MAYO

C A N D I D
I N V E S T I G A T I O N S

102 E. Baltimore • Suite 200
Jackson, Tennessee 38301
(901) 422-5138

September 19, 1996

TO:
Honorable Whit LaFon
Madison County Circuit Court
Courthouse
100 E. Main Street
Jackson, TN 38301

Re: State vs. Jon Hall
Henderson County Circuit Court No. 94-342

AFFIDAVIT

I, Tammy Askew, will state and show unto His Honor as follows:

1. That I am the private investigator appointed to assist the defense in the above matter;
2. That the trial date in this case is set for October 15, 1996;
3. That there are still several additional witnesses that need to be interviewed prior to this trial;
4. That I just recently finished an investigation for a murder case, State vs. Wickers, that went to trial in Madison County Circuit Court on September 16, 1996;
5. That this is an extremely complex case and a very emotional case in the eyes of the public;
6. That this private investigator is in need of more time in which to competently and adequately complete my investigation and prepare my report to present to His Honor.

DATED this the 20 day of September, 1996.

Tammy Askew
TAMMY ASKEW

Sworn to and subscribed before me this, the 20th day of September, 1996.

[Signature]
NOTARY PUBLIC

My Commission Expires: 10/15/99

AFFIDAVIT

State of Tennessee)

County of Shelby)

I, Glori J. Shettles, after being duly sworn according to law, state as follows:

1) I am a licensed private investigator, employed by Inquisitor, Inc. since January, 1993

2) Clay Mayo, an attorney representing Jon Hall on a capital murder charge, requested my services on behalf of his client.

3) On June 27, 1996, the Honorable Whit LaFon signed an order in State v. Jon Hall, No: 94-364, authorizing my services to conduct the mitigation investigation on Mr. Hall's behalf.

4) Since the time of the authorization, an extensive interview with Jon Hall has been conducted.

5) Jon Hall's family members have been interviewed, with the exception of a brother.

6) The interview of this sibling is critical as it is felt he has relevant information with regard to Jon Hall's background.

7) Although numerous documents and records have been obtained, jail and prison records, along with other needed records have not yet been received.

8) Upon completion of the remaining interviews, including collateral persons and former employers all documents and information must be incorporated into a mitigation time line, which has been an on going process.

9) Additionally, once the investigation is completed, follow-up conferences must be scheduled with Jon Hall and his attorneys to discuss trial strategy.

10) For Jon Hall to receive minimally effective investigative services, a continuance should be requested.

Affidavit of Glori J. Shettles
Page 2 of 2

11) To complete the above listed tasks, I estimate an additional ninety (90) days will be required.

FURTHER THE AFFIANT SAITH NOT.

Glori J. Shettles
GLORI J. SHETTLES

September 23, 1996
DATE

Signed and sworn to before me this 23rd day of SEPTEMBER, 1996.

[Signature]
NOTARY PUBLIC

My Commission Expires: 07-12-98

Affidavit

I, Julie Fenyes, Trial Consultant, makes this affidavit, and on my oath state the following to be true:

1. I was appointed by the Honorable Judge ~~James Woodall~~ ^{Whit LaFon Jr} to assist Court appointed counsel Mike Mosier and Carthel Smith in Jury Selection for the Capital trial of Defendant Jon Hall.
2. The original trial date was November 7, 1995. I was prepared to go to trial on that date, and again on February 19, 1996.
3. Since the resetting, counsel Mosier and Smith were replaced by attorneys Jesse Ford and Clay Mayo. The date was again continued, this time reset for October 15, 1996.
4. I have a conflict on October 15, 1996, and will not be available to assist in jury selection on this date. I will be in Federal Court in Memphis for a trial beginning October 15, and will be occupied with that case for approximately two weeks.
5. Based on the Court's ruling, granting the motion to appoint a Jury Consultant for Jon Hall's defense, I surmise that the Court recognizes the necessity of a Jury Consultant in this highly publicized Capital case.
6. Due to the time and effort I have dedicated to Jon Hall's case, I would like to have the opportunity to follow through with the jury selection. While unable to assist on October 15, I will gladly coordinate a new date with the attorneys and the Court.

Julie Fenyes
Julie Fenyes

Sworn to me and subscribed before me this 1st day of October 1996.

Notary Public in and for the County of Madison State of Tennessee.

My commission expires the 18th day of October 1999.

[Signature]
Notary Public

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE,)
)
 Plaintiff,)
)
VS.) NO. 96-589
)
JON HALL,)
)
 Defendant.)

AFFIDAVIT

I, Jean A. Munson, do depose and state that:

1. That I am Clayton F. Mayo's secretary;
2. That the Court of Appeals in Cincinnati, Ohio, telephoned Mr. Mayo's office on October 1, 1996, at approximately 9:50 a.m.;
3. That I did speak with Marjorie, a clerk of the Court of Appeals, and she advised me that Mr. Mayo's Motion for Continuance regarding the oral argument that is scheduled for October 15, 1996, had been denied by the Court.

DATED this the 1st day of October, 1996.


JEAN A. MUNSON

Sworn to and subscribed before me this the 1st day of October, 1996.


NOTARY PUBLIC

My Commission Expires: 8-17-99

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE,)
)
Plaintiff,)
)
VS.) NO. 96-589
)
JON HALL,)
)
Defendant.)

FILED

OCT 02 1996

JOE GIFFNEY, CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

MOTION FOR HEARING ON TRANSFER OF DEFENDANT

Comes your Defendant, JON HALL, by and through his attorneys of record, Clayton F. Mayo and Jesse H. Ford, III, and hereby requests that this Honorable Court have a hearing on Defendant's Motion to have Defendant Transferred to the Madison County Penal Farm or Madison County Jail in the above matter and in support of this Motion, Defendant and Attorneys would state and show unto the Court as follows:

1. That this matter is scheduled for trial on October 13, 1996;
2. That Attorneys filed a Motion to have Defendant transferred to Madison County at least thirty days prior to trial;
3. That this Motion and an Order for same were sent to Assistant District Attorney on August 27, 1996, with no reply as of the date of filing this Motion;
4. That when Attorneys' office contacted the District Attorney's office regarding the signing of this Order, we were advised that the Assistant District Attorney prepared a "Go-Get" Order to have Defendant brought to Madison County on October 7, 1996;
5. That Attorneys feel Defendant should be brought back to Madison County as soon as possible in order to adequately and competently prepare to represent Defendant at his trial;
6. That according to an Order entered with this Court on April 27, 1996, regarding a hearing held on April 9, 1996, it was ordered, "that in the event a local isolation cell becomes available at the Madison County Jail or the Madison County Penal Farm or within this district, such as Chester County Jail or

McNairy County Jail, JON HALL shall be put on a list so as to put him in line for one of these isolation cells so his attorneys and he can communicate with each other more effectively" and "that this matter may be reviewed again as the trial date approaches";

BASED UPON THE FOREGOING, Defendant's attorneys, Clayton F. Mayo and Jesse H. Ford, III, respectfully requests that this Honorable Court have a hearing on Defendant's Motion to have Defendant Transferred to the Madison County Penal Farm or Madison County Jail.

DATED this the 27th day of September, 1996.

Respectfully submitted,

Clayton F. Mayo
CLAYTON F. MAYO, #014138
Appointed Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

Jesse H. Ford III by CFM
JESSE H. FORD, III, #00119775
Appointed Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, TN 38302, this the 27th day of September, 1996. 1st

Clayton F. Mayo
CLAYTON F. MAYO

92-14059

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
FOR THE TWENTY-SIXTH JUDICIAL DISTRICT AT JACKSON

STATE OF TENNESSEE,

FILED

Plaintiff,

OCT 09 1996

vs.

No. 96-589B

JON HALL,

JOB GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

Defendant.

MOTION AND MEMORANDUM TO QUASH SUBPOENA OF TOM CLOUSE

NOW COMES the undersigned counsel on behalf of his clients, Mr. Tom Clouse, a reporter for *The Jackson Sun*, and *The Jackson Sun*, and seeks to quash the subpoena of Mr. Clouse. The State of Tennessee had subpoenaed Mr. Clouse to testify in the trial of the above-captioned cause for October 15, 1996. The State has represented to the undersigned that it will subpoena Mr. Clouse to testify at the trial which is now scheduled for February 3, 1997. *The Jackson Sun* and Mr. Tom Clouse seek to dismiss this subpoena on grounds of T.C.A. § 24-1-208 which provides as follows:

- (a) A person engaged in gathering information for publication or broadcast connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required by a court, a grand jury, the general assembly, or any administrative body, to disclose before the general assembly or any Tennessee court, grand jury, agency, department, or commission any information or the source of any information procured for publication or broadcast.

In light of *The Jackson Sun* and Mr. Tom Clouse invoking the shield statute, the State can not require Mr. Clouse to testify at

this cause since the State, upon information and belief, seeks to question Mr. Clouse concerning an article that he wrote for The Jackson Sun relative to an interview he conducted of Mr. Jon Hall, the Defendant in the above-captioned cause.

As Mr. Clouse conducted this interview in his capacity as a news reporter and was therefore in the process of gathering information for publication, the State can not, pursuant to T.C.A. § 24-1-208(a), subpoena him to testify before this Court.

RESPECTFULLY SUBMITTED THIS THE 9th DAY OF October, 1996.

Waldrop & Hall, P.A.

By: 

Charles M. Purcell, #012461

P.O. Box 726
106 South Liberty Street
Jackson, TN 38302-0726
(901) 424-6211

CERTIFICATE OF SERVICE

This is to certify that I served a copy of this pleading or papers in person or by mail upon each attorney or firm of attorneys appearing of record for each adverse party on or before the filing date thereof.

DATE: This the 9th day of October, 1996.

WALDROP & HALL, P.A.

By: 

FILED

Madison

IN THE CIRCUIT COURT OF HENDERSON COUNTY, TENNESSEE

OCT 16 1996

STATE OF TENNESSEE,)

VS.)

JON HALL,)

No. 94-342; 94-452
and 94-454

JOE CAFFREY, CIRCUIT COURT CLERK

DEPUTY CLERK
A.M.

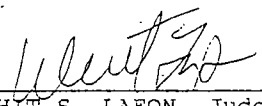
96-589

ORDER ON MOTION FOR CONTINUANCE

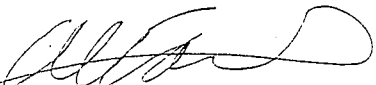

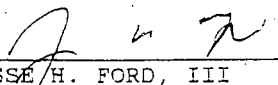
This matter came on for hearing on this the 3rd day of October, 1996, before the Honorable Whit S. LaFon, Judge on Defendant's Motion for Continuance. After hearing argument of counsel the Court was of the opinion that the motion should be granted and the trial of this matter is reset for February 3, 1997. The Court further finds that counsel shall submit every fifteen days status reports to the Court on progress begin made toward preparation of mitigation reports that is being prepared on behalf of the Defendant. The Court further finds that the matter shall go to trial as scheduled on February 3, 1997.

ALL THE ABOVE IS ORDERED, ADJUDGED AND DECREED this the

14 day of Oct, 1996.


WHIT S. LAFON, Judge

APPROVED FOR ENTRY:


AL EARLS
Assistant District Attorney
P. O. Box 2825
Jackson, TN 38302
CLAYTON F. MAYO
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302
JESSE H. FORD, III 009775
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

FILED

STATE OF TENNESSEE

v.

JON HALL

NOV 05 1996
JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

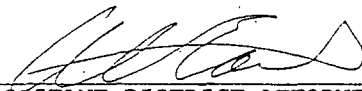
No. 96- 589

STATE'S RESPONSE

Comes now the State of Tennessee by and through the office
of the District Attorney General and states:

1. The defendant's motion is so much nonsense..
2. The State will only respond to motions filed by
counsel.

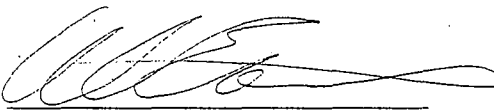
Respectfully submitted:



ASSISTANT DISTRICT ATTORNEY
26TH JUDICIAL DISTRICT

Certificate of Service

I hereby certify that I have mailed or delivered a true copy
of the foregoing to Mr. Jon Hall, 7475 Cockrill Bend Ind Rd.,
Nashville, TN 37209-1010, this the 4 day of November, 1996.



ASSISTANT DISTRICT ATTORNEY
26th JUDICIAL DISTRICT

IN THE CIVIL COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT

HENDERSON, TENNESSEE AT LEXINGTON TENNESSEE

FILED

JON HALL / PETITIONER

NOV 12 1996

JOE GAFFNEY, CIRCUIT COURT CLERK

V.

DEPUTY CLERK

DOCKET NO. 96-589

A.M.

STATE OF TENNESSEE et. al.,

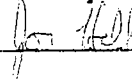
WRIT OF MANDAMUS / COMPELLING JUDGE TO ORDER DEFAULT

Comes now the Plaintiff, Jon Hall, to compel the Trial Judge to order a default judgement against the Respondent's, for failure to answer the Petitioner's complaint within the time prescribed by law. See: F.R.C.P. Rule # 12 (20 days). In support of this motion, the Petitioner will show forth this Court the following and just reasons:

1. Petitioner has filed a habeas corpus / civil rights complaint for civil rights violations within this jurisdiction on August 1, 1996.
2. Respondent's have failed to answer said complaint and a default motion was served Nov. 1, 1996, and the Respondent's have failed to bring a motion raising a 12 (b) defense within that time or requested for an extension of time to file an answer.
3. Respondent's response stating that they are not required to answer should be of no avail, because, this is a civil complaint, and the state has not provided an attorney to present an amended complaint, therefore, Jon Hall, is counsel in this matter.
4. State's response was provided by Assistant District Attorney, Al Earl's, to which was not present during the 8/22/94 proceedings, nor is a proper Respondent, therefore, Al Earl's comment that the Petitioner's complaint is nonsense, is unfounded, improper, and irrelevant, to which Al Earl's has no "sense" to support a response.
5. Middle Tennessee Mental Health (M.T.M.H.I.) has certified that the Petitioner is not insane, and capable of presenting a defense for the matter at hand in a court of law, via Larry Southard, the Director of Forensic Services, (615) 366-7973, certification of this statement, was made pursuant to letter sent to the Honorable, Whit S. Lafon March 28, 1995.

Wherefore, Petitioner, moves this Honorable Court to grant the petitioner the appropriate relief as required by law. This Writ has been mailed to Jerry Woodal, P.O. Box 2825 Jackson Tennessee 38302, on this the sixth day of November 1996.

Respectfully submitted,



IN THE CIRCUIT COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT
HENDERSON COUNTY AT LEXINGTON TENNESSEE
DIVISION I

STATE OF TENNESSEE / Respondents)

) CRIM. NO. 94-342, 94-452, & 94-454

v.)

FILED

) Habeas Corpus Petition No.-----

) Federal Docket No. 3:95-0940

JON HALL / Petitioner DEC 04 1996)

JOE CAVNESS, CIRCUIT COURT CLERK
[Signature]
DEPUTY CLERK

A.M.
MOTION FOR DEFAULT JUDGEMENT PURSUANT TO THE ABOVE ACTION

Petitioner, Jon Hall, moves this Court to enter a default Judgement against the Respondents, and release the Petitioner from the unlawful confinement the State has imposed upon him unconstitutionally as stated in the original complaint, and state that;

1. That a default has been entered against the Respondent's for failure to answer in the above entitled action;
2. That Respondents are not in the military service as shown by the attached affidavit.

Respectfully submitted,

[Signature]
JON HALL / PETITIONER

7475 Cockrill Bend Ind. Rd.
Nashville Tennessee 37209-1010

CERTIFICATE OF SERVICE

I Jon Hall, hereby certify that I have mailed a true and exact copy of the foregoing motion, affidavit in support of entry of default, affidavit in support of Respondents are not in the military service, and order, for this matter, this the 1st day of November 1996.; To District Attorney, Jerry Woodal, P.O. Box 2825, Jackson Tennessee 38302; Ricky Bell, 7475 Cockrill Bend Ind. Rd. Nashville Tennessee 37243; and the Clerk of Courts, Kenny Cavness, for Henderson County, Lexington Tennessee 38351.

IN THE CIRCUIT COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT
HENDERSON COUNTY AT LEXINGTON, TENNESSEE
DIVISION I

STATE OF TENNESSEE / Respondents)
) CRIM. NO. 94-342, 94-452, 94-454
V. **FILED**) Habeas Corpus Petition No. _____
) Federal Docket No. 3:96-0940
JON HALL / Petitioner DEC 04 1996)

DEBORAH E. CAVNESS, CIRCUIT COURT CLERK

AFFIDAVIT FOR ENTRY OF DEFAULT
A.M.

STATE OF TENNESSEE)
) -ss-
COUNTY OF DAVIDSON)

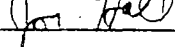
Petitioner, Jon Hall, being duly sworn, deposes and says:

1. That he is the pro-se counsel in the above entitled action;
2. That Respondents, Jerry Woodal, P.O. Box 2825 Jackson, Tennessee 38302; Ricky Bell, 7475 Cockrill Bend, Ind. Rd. Nashville Tennessee 37243; or The Clerk of Courts, Kenny Cavness, Henderson County, at Lexington Tennessee 38351; and The Honorable, Judge, Whit s. Lafon, was served with a copy of the summons and complaint, as it appears from the proof of service August 1, 1996, R.M.S.I. / T.D.O.C. Withdrawl No. # 78754 (Circuit Court Motion / Federal Complaint simultaneously FILED).
3. That Respondents have not filed or served an answer or taken any actions as may be permitted by law to my knowledge, although (65) working days have elapsed, since the date of service.
4. Attorney's of record, Jesse Ford, & Clay Mayo, have not given me any indication that; they pursued my Habeas Corpus Petition, or preserved the issues. Note: How am I to preserve my meritorious issues if my Attorney's are ineffective, and the Court ignores my Petition?

Respectfully submitted,



JON HALL / PETITIONER

I , hereby swear under the penalty for perjury that the foregoing affidavit is true to the best of my knowledge and belief. Signed this the 1st day of November, 1996.

IN THE CIRCUIT COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT
HENDERSON COUNTY AT LEXINGTON TENNESSEE
DIVISION I

STATE OF TENNESSEE / Respondents)
) CRIM. NO. 94-342, 94-452, & 94-454
V.) Habeas Corpus Petition No. _____
) Federal Docket No. 3:96-0940
JON HALL / Petitioner)

FILED

DEC 04 1996

AFFIDAVIT THAT RESPONDENT'S ARE NOT IN THE MILITARY SERVICE

DEPUTY CLERK
A.M.

STATE OF TENNESSEE)
) -ss-
COUNTY OF DAVIDSON)

Petitioner, being duly sworn, deposes and says:

1. That he is the pro-se counsel in the above entitled action;
2. That Respondent's are believed to be working in the Lexington, and Madison County area in their same position in which this matter came to be heard as described in the complaint.
3. That from the above mentioned facts, Petitioner is convinced that the Respondent's are not in the military service of the United States of America.

Respectfully submitted,

SWORN THIS THE 1st DAY OF Nov. 1996.

Jon Hall

JON HALL / PETITIONER

7475 Cockrill Bend Ind. Rd.
Nashville Tenn. 37209-1010

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

FILED

STATE OF TENNESSEE

v.

JON HALL

JAN 24 1997
JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.


No. 96-589

MOTION TO RESTRICT DEFENDANT MAIL AND
PHONE CALLS FROM VICTIM'S FAMILY

Comes now the State of Tennessee by and through the Office of the District Attorney General and moves this Honorable Court to Order the Sheriff of Madison county to censor the defendant's mail so that no mail is sent from the defendant to any member of the victim's family. In support of said motion the State would show that the defendant has contacted the victim's family by mail and such contact is offensive to the victim's family and said letters contain veiled threats toward the victim's family.

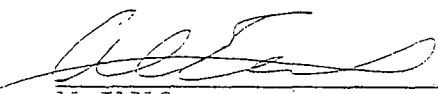
Wherefore premises considered the State moves this Honorable Court to Order the Sheriff of Madison county to censor the defendants mail and phone privileges so that no mail or phone calls are made to any member of the victim's family.

Respectfully Submitted:


AL EARLS
ASSISTANT DISTRICT ATTORNEY
26TH JUDICIAL DISTRICT

Certificate of Service

I hereby certify that I have mailed or delivered a true copy of the foregoing to Mr. Jay Ford, Attorney at Law, 618 N. Highland Ave., Jackson, TN 38301, this 24 day of January 1997.


AL EARLS
ASSISTANT DISTRICT ATTORNEY
26th JUDICIAL DISTRICT

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE)

VS.)

JON HALL)

NO. 96-3890

FILED

JAN 24 1997

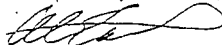
JOE GAFFNEY CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

NOTICE OF STATE'S INTENT TO USE PRIOR ASSAULT

Please be advised that the State will rely upon the following conviction to impeach or enhance any sentence in this case:

1. Assault on March 7th, 1991 out of Carroll county sentence to 11 months and 29 days.

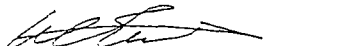
Respectfully submitted,



Al Earls

CERTIFICATE OF SERVICE

I Hereby certify that a true and exact copy of the foregoing has been delivered via U.S. Mail to Jesse Ford on or before the filing date as affixed by the Clerk of this Court this the 24th day of January, 1997.



IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE)
)
VS.) NO. 96-589
)
JON HALL)

FILED

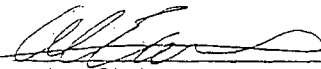
FEB 04 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

STATE'S SPECIAL REQUEST NO. 1

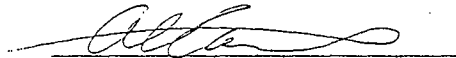
Comes now the State of Tennessee by and through the Office of the District Attorney General and requests this Honorable Court give the Jury instruction on flight as given in the Tennessee Pattern Jury Instructions:

Respectfully submitted


Assistant District Attorney

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing was delivered to Jesse Ford on or before the filing of the above document on or before the filing date as affixed by the Clerk of this Court this the 4th day of January, 1997.



IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE

STATE OF TENNESSEE,)
)
VS.)
)
JON HALL,)

No. 96-589

FILED

FEB 13 1997

JOE GARNER, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

ORDER

Upon application of Plaintiff by and through his attorney of record, Jesse H. Ford, III,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant in this cause, JON HALL, is an indigent person and Jesse H. Ford, III and Clayton F. Mayo, Attorneys at Law, is appointed as counsel for the purpose of prosecuting an appeal in this cause;

2. Plaintiff, JON HALL, as an indigent person, is entitled to have a transcript furnished at the State's expenses under Rule 37 of the Tennessee Rules of Criminal Procedure and Rule 24 of the Tennessee Rules of Criminal Procedure. The official Court Reporter is hereby directed to furnish a transcript and bill of exceptions to Defendant and his counsel.

3. Defendant is expressly granted leave to proceed as a poor person on appeal.

ENTER this the 18 day of Feb, 1997.

Whit Lafon
WHIT LAFON, Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served Mr. Al Earls, Assistant District Attorney, P. O. Box 2825, Jackson, Tennessee, 38302 by mailing the same with sufficient postage to insure proper delivery this the 18th day of February, 1997.

Jesse H. Ford, III
JESSE H. FORD, III

Madison
IN THE CIRCUIT COURT OF HENDERSON COUNTY, TENNESSEE
DIVISION I

FILED

STATE OF TENNESSEE,)

Plaintiff,)

VS.)

JON HALL,)

Defendant.)

FEB 23 1997

NO. 96-589

JOE CAFFEY, CIRCUIT COURT CLERK

DEPUTY CLERK

A.M.

EX-PARTE ORDER FOR ADDITIONAL JURY CONSULTANT SERVICES

This cause came to be heard the ____ day of _____, 1997, before the Honorable Whit LaFon, Circuit Court Judge, and it appearing to the Court that Defendant and his attorneys in the above referenced case are in need of further funds for jury consultant services, and it further appearing to the Court that the above referenced case is a capital murder case in which the State is seeking the death penalty, and it further appearing to the Court that such services are necessary, and,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant's jury consultant, Julie Fenyes, be granted additional hours, up until 8:30 a.m. February 4, 1997, at Fifty Dollars (\$50.00) per hour from the State of Tennessee Indigent Defense Fund for the purposes of jury consultation in the above-referenced matter.

ENTER this the 10 day of Feb, 1997.

Whit LaFon

HONORABLE WHIT LAFON
Circuit Judge

APPROVED FOR ENTRY:

Jesse H. Ford III

JESSE H. FORD, III
Attorney for Defendant

Clayton F. Mayo

CLAYTON F. MAYO
Attorney for Defendant

PageID 4385

IN THE CRIMINAL/CIRCUIT COURT OF MADEIRA COUNTY, TENNESSEE

Case Number: 96-589 Count#: one Attorney for the State Jerry Woodall / AL EARLS
 Judicial District: 26 Judicial Division: I Counsel for Defendant: Jesse Ford / CLAY MAYO
☐ Retained ☒ Appointed ☐ Public Defender

State of Tennessee

vs.

Defendant: Jon Hall

Alias: _____

FILEDDate of Birth: 8/05/64 Sex: M Race: WSSN: 187-52-0101From indictment # 96-589 Warrant # _____

TDOC # _____

TBI Document Control # _____

FEB 25 1997

JUDGMENT

JOE CAFFEY, CIRCUIT COURT CLERK

DEPUTY CLERK
A.M.

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.
 On the 5th day of February, 19 97, the defendant:

☐ Pled guilty ☐ Dismissed/Nolle Prosequi
☐ Remand/Transfer to Other Court
☐ Retired/Unapprehended Defendant

Is found:

☒ guilty ☐ not guilty☒ jury verdict ☐ not guilty by reason of insanity☐ bench trial ☐ nolo contendereIndictment: Class (circle one) 1st A B C D E ☒ Felony ☐ MisdemeanorOffense: First Degree Murder

Amended Charge: _____

Offense date: 7/29/94 County: HendersonConviction offense: First Degree MURDERTCA#: 39-13-203 Sentence-imposed date: 02/05/97Conviction class (circle one): 1st A B C D E ☒ Felony ☐ Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

☐ Sentence Reform Act of 1989☐ Mitigated 20%☐ Mitigated 30%☐ Standard 30% Range 1 ☐ Multiple 35% Range 2☐ Persistent 45% Range 3 ☐ Career 60%☐ Violent 100% ☐ Multiple Rapist☒ 1st Degree Murder ☐ Child Rapist☐ Repeat Violent Offender ☐ School Zone☐ Pre 1982 Sentence: _____☐ 1st Degree Murder☐ Sentence Reform Act of 1982☐ 30% Range 1☐ 35% Range 2☐ 40% Range 2☐ 1st Degree Murder

Concurrent with: _____

Consecutive to: _____

Sentenced to:

☒ TDOC

Sentence Length:

____ Years ____ Months ____ Days ____ Life ____ Life Without Parole ☒ Death

Mandatory Minimum Sentence (applicable to T.C.A. 39-17-417, 39-13-513 and 39-13-514 in school zone) _____

☐ County Jail ☐ Workhouse ____ Years ____ Months ____ Days ____ Hours ____ Week-ends ____ Periodic: (____)

Mandatory Minimum Sentence (applicable to T.C.A. 39-17-417, 39-13-513 and 39-13-514 in school zone) _____

____ % min. svc. prior to program or work release ____ % min. svc. prior to release (Misdemeanor only)

☐ Probation ____ Years ____ Months ____ Days Effective: _____☐ Community Based Alternative ____ Years ____ Months ____ Days ____ Hours ____ Week-ends

Specify: _____

Pretrial Jail Credit Period: from ____/____/____ to ____/____/____ from ____/____/____ to ____/____/____ or Number of Days: _____

Court Ordered Fees and Fines:

\$ _____ Criminal Injuries Compensation Fund

\$ _____ Supervision

\$ _____ Child Support

\$ _____ Court Costs

\$ _____ FINE ASSESSED

Restitution

Victim Name: _____

Address: _____

Total Amount \$ _____ \$ _____ per month

☐ Unpaid Community Service: ____ Hours ____ Days ____ Weeks ____ Months☒ The Defendant having been found guilty is rendered infamous.

Special Conditions:

Judge's Name

Judge's Signature

Date of Entry of Judgment

White copy - Criminal Court Clerk

Yellow copy - TN Dept. Of Corrections - MIS-3MS

Pink copy - Judicial Council

Goldendred - Jail

CR-3419 (REV. 09-95)

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

3DA-1167

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON TENNESSEE

JON HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

FILED

MAR 05 1997

JOE GARNNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO.# 94-342

) MADISON CO. NO.# 96-589

) E.C.A. NO.#

NOTICE OF APPEAL

Notice is hereby given that, Appellant, Jon Hall, hereby appeals to the Criminal Court of Appeals from the final judgement of DEATH BY ELECTROCUTION, pursuant to the THREE (3) day trial, (including the guilt / innocence & sentencing phase) starting on February 3, 1997, and the final judgement entered in this action on the 5th day of Feb. 1997.

Respectfully submitted,

APPOINTED COUNSEL ?

Jesse Ford III. ?

Clayton F. Mayo

618 N. Highland

P.O. BOX 1625

Jackson, Tenn. 38302

(901)-422-1375

COUNSEL ?

Jon Hall

Jon Hall, # 238941

R.M.S.I. U-2 A-110

7475 Cockrill Bend Ind. Rd.

Nashville Tenn. 37209-1010

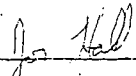
CERTIFICATE OF SERVICE

I *Jon Hall*, hereby certify that I have sent a true and exact copy of the foregoing notice to; 26th Dist. Atty. Jerry Woodal; P.O. Box 2825, Jackson Tenn. 38302; Office of the State Atty. General, 450 James Robertson Parkway, Nash. Tenn. 37219; Office of the Clerk, Criminal Court of Appeals, P.O. Box 909, Jackson Tenn. 38302, on this the 3rd day of March 1997, by U.S. 1st Class postage.

TO WHOM IT MAY CONCERN:

This is to certify that this document for NOTICE OF APPEAL, was completed prior to the (30) day time limit, for filing appeal. NOTE: This is the back of this notice, (no space for verification on the reverse side).

Respectfully submitted,



Tony Hall # 236941

SWORN AND SUBSCRIBED BEFORE ME ON THIS 24 DAY OF Feb 1997.
NOTARY PUBLIC Howard Wayne Bramble
MY COMMISSION EXPIRES Commission Expires JULY 24, 1999

IN THE CRIMINAL COURT OF APPEALS

AT JACKSON TENNESSEE

JON HALL

APPELLANT

FILED

MAR 05 1997

JOE GARREY, CIRCUIT COURT CLERK
DEPUTY CLERK

A.M.

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO.# 94-342

) MADISON CO. NO.# 96-589

) C.C.A. NO. _____

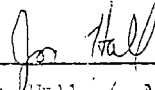
STATE OF TENNESSEE

APPELLEE

MOTION FOR TRANSCRIPT OF PRIOR TRIAL

Comes now the Appellant, Jon Hall, pursuant to Rule 18 (c) of the T.R.A.P., to request the court reporter to prepare a complete verbatim transcript of the previous trial, including all jury out conferences in this matter, during both the guilt / innocence phase, and the sentencing phase. It is further requested that this court to direct the court to furnish the Appellant of the motion hearing transcript, held on November 8, 1995, and any and all other held motions hearings, that were held EX-PARTE, in this matter, specifically the one that addressed the change of venue issue.

Respectfully submitted,

COUNSEL FOR APPELLANT ?

Jon Hall / Appellant

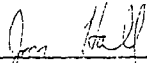
CERTIFICATE OF SERVICE

I Jon Hall, hereby certify that I have sent a true and exact copy of the foregoing motion to: 26th Dist. Atty. Jerry Woodal, P.O. Box 2825, Jackson Tenn. 38302; Office of the State Atty. General, 150 James Robertson Parkway, Nash., Tenn. 37219; Office of the Clerk, Criminal Court of Appeals, P.O. Box 909, Jackson Tenn. 38302, and the Office of the Clerk, for the 26th Judicial District, Madison County, at 100 East Main Street, Jackson Tennessee 38301, sent by U.S. mail, on this the 3rd day of March 1997.

TO WHOM IT MAY CONCERN:

This is to certify that this document for MOTION FOR TRANSCRIPT OF PRIOR TRIAL, was completed prior to the (30) day time limit, for filing appeal. NOTE: This is the back of this motion, (no space for verification on reverse side).

Respectfully submitted,



Jon Hall # 238941

SWORN AND SUBSCRIBED BEFORE ME ON THIS THE 29 DAY OF Feb. 1997.

NOTARY PUBLIC Howard Wayne Sinclair

MY COMMISSION EXPIRES My Commission Expires JULY 24, 1999

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON, TENNESSEE

JON HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

FILED

MAR 05 1997

JOE GAFFNEY CIRCUIT COURT CLERK
DEPUTY CLERK

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO.# 94-342

) MADISON CO.# 96-589

) U.S.C.A. NO.# _____

MOTION FOR PRESERVATION OF RECORDS / EVIDENCE

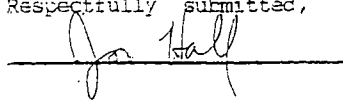
Comes now the Appellant pursuant to Tenn. Rules of the Court of Appeals, Rule 5, for the preservation of the audio tapes of the criminal proceedings in the above stated matter; See also: T.C.A. § 10-7-302 to § 10-7-307.

In support of this motion, the appellant has filed a collateral pleading for Habeas Corpus relief, pursuant to 28 U.S.C. § 2241, for this matter, because, the transcript of the preliminary hearing, did not convey the important litigation pertaining to the admittance of illegally obtained evidence. This evidence was used as the States proof in chief, for the bind over, denying the Appellant of discovery, the State was obligated to provide. Further, this evidence was printed in both Henderson, and Madison Counties, before the Grand Jury convened, thus the appellants fourth, fifth, sixth, and fourteenth U.S.C.A. Const. Amendment rights were violated. SEE; Habeas petition no. 3:96-0940, and Sixth circuit court brief no. 96-6624

Wherefore, the Appellant contends there is sufficient evidence to justify probable cause, requesting that all audio tapes of the criminal proceedings be preserved, and reviewed by this Honorable Court, to protect the rights of the Appellant, to insure the proceedings meet the standard of procedural fairness which the U.S.C.A. Const. Amend. 14, demands of the states. Peterson v. Henderson, D.C. Tenn. 1967, 271 F. Supp. 20.

Respectfully submitted,

COUNSEL FOR APPELLANT ?



SWORN AND SUBSCRIBED BEFORE ME ON THIS THE 24 DAY OF Feb 1997.
NOTARY PUBLIC Howard Wayne Bramble
MY COMMISSION EXPIRES the Commission Expires JULY 24, 1999

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON TENNESSEE

JON HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

)
) 26th JUDICIAL DIST., DIV. I
) HENDERSON CO. NO.# 94-342
) MADISON CO. NO.# 96-589
) C.C.A. NO.# _____

FILED

MAR 05 1997

JOE GARNETT, CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

MOTION FOR JUDGEMENT OF ACQUITTAL

Comes now the Appellant, Jon Hall, pursuant to Rule 29 (c), of the Tenn. R. Crim. P., and moves the court to enter a judgement of acquittal upon the conviction for PREMEDITATED murder, because the State failed to prove PREMEDITATION, based upon the credibility of States informant Chris Dutton, See: State v. Dick, 872 S.W.2d 938 (Tn. Crim. App. 1993) § [2] Summarized in Melson v. State, 638 S.W.2d 342, and the reliability of the testimony, of the States (3) minor witnesses, whose memory was comprimized over the lapse of time, also the (10) year old witness (Cynthia), admitted that she was coached personally by Dist. Attorney Woodal. [see med. records from; center for child development].

Wherefore, the appelant prays that this Honorable Court, seriously consider the credibility of the States (PROOF IN CHIEF) to establish PREMEDITATION which is the essential element of FIRST DEGREE MURDER.

Respectfully submitted,

COUNSEL FOR APPELLANT ?

Jon Hall
Jon Hall / Appellant

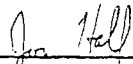
CERTIFICATE OF SERVICE

I Jon Hall, hereby certify that I have sent a true and exact copy of the foregoing motion to; 26th Dist. Atty. Jerry Woodal, P.O. Box 2825, Jackson Tenn. 38302; Office of the State Atty. General, 450 James Robertson Parkway, Nash. Tenn. 37219; Office of the Clerk, Criminal Court of Appeals, P.O. Box 909, Jackson Tenn. 38302, on this the 3rd day of March 1997, by U.S. 1st Class postage.

TO WHOM IT MAY CONCERN:

This is to certify that this document for MOTION FOR JUDGEMENT OF ACQUITTAL, was completed prior to the (30) day time limit, for filing appeal. NOTE: This is the back of this motion, (no space for verification on reverse side).

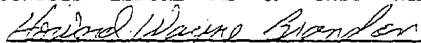
Respectfully submitted,



Jon Hall # 238941

SWORN AND SUBSCRIBED BEFORE ME ON THIS THE 24 DAY OF Feb. 1997.

NOTARY PUBLIC



MY COMMISSION EXPIRES

My Commission Expires JULY 24, 1999

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON TENNESSEE

JON HALL

APPELLANT

v.

STATE OF TENNESSEE

APPELLEE

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO.# 94-342

) MADISON CO. NO.# 96-589

) C.C.A. NO.# _____

FILED

MAR 05 1997

JOE G. HAYES, CIRCUIT COURT CLERK
AM. DEPUTY CLERK

MOTION IN ARREST OF JUDGEMENT

Comes now the appellant pursuant to Rule 34, Tenn. R. Crim. P., and moves the Court to arrest the Judgement in this case upon the following grounds:

1. The Court is without jurisdiction of the offense charged, because, the Appellant never consented to be tried in the County of Madison, from an offense alleged to have been committed in Henderson County.

2. The Court is without jurisdiction of the offense charged, because, this Court is without subject-matter jurisdiction. The Court was exercising its jurisdiction under maritime law. The Court had no authority to try, and / or sentence the Appellant, without his consent to contract with this court to be sentenced under the said maritime jurisdiction; Therefore, this Court had no power to hear the criminal proceeding before it. (See; e.g., Davis v. Davis, 9 Ill. App.3d 922, 293 N.E.2d 399, 405). [See also; appellate brief, 96-6624; Ex. No. [26-38].

It cannot be acquired or implied (through constructive knowledge and consent) that Appellant knowingly consented to said maritime and personal jurisdiction of this court at the time he was tried and sentenced. (See; e.g., Hess v. Pawloski, 274 U.S. 352, 47 S.Ct. 632, 71 L.Ed. 1091.

The intent to deprive Appellant of his constitutional rights that are relevant to this cause, can be shown by policy and / or custom of the officers of this Court. (See; e.g., 42 U.S.C. § 1983 notes: 319-337).

1.

MOTION FOR ARREST OF JUDGEMENT

CONCLUSION

In the United States, the Office of the Attorney General is one which is provided by the constitutional and statutory provisions of the various states, and where the powers and duties of the Attorney General are fixed by the constitution, a statute interfering therewith is invalid. Murphy v. Yates, 348 A.2d 837, Md. 475, 84 A.L.R. 3d 1.

Appellant did not have a contract with this Court to be tried and sentenced under maritime jurisdiction, which had to be declared, and made known to the petitioner if the Court was legally to retain subject-matter jurisdiction over the case. Otherwise, a maritime contract relates to business of navigation. Maseman Const. Co. v. Bassett, D.C. Mo. 30 F. Supp. 813, 815.

Because Appellant did not consent to either Madison Co. Venue, or a maritime contract with the Court, it constituted a voidable contract, Derner v. Joseph Zukinblouses, 13 Cal. App. 2d 124, 56 P.2d 574-75.

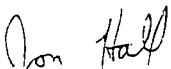
A contract which is void, which never had any legal effect, and such contract cannot in any manner have life breathed into it. See; National Union Indemnity Co. v. Bruce Bros., 44 Ariz. 454, 38 P.2d 648, 652.

Furthermore, T.C.A § 40-30-203; States: Ground for relief. Sec. (a). Relief under this chapter shall be granted when the conviction or the sentence is void, or voidable, because of the abridgement of any right guaranteed by the constitution of this State or the constitution of the United States.

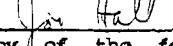
Wherefore, Appellants sentence should be vacated and dismissed.

Respectfully submitted,

COUNSEL FOR APPELLANT ?


JON HALL / APPELLANT

CERTIFICATE OF SERVICE

I  hereby certify that I have mailed a true and exact copy of the foregoing motion to: 26th Dist. Atty., Jerry Woodal, P.O. Box 2825, Jackson Tenn. 38302; Office of the State Atty. General, 450 James Robertson Parkway, Nash. Tenn. 37219; Office of the Clerk, Criminal Court of appeals, P.O. Box 909, Jackson Tenn., 38302, on the 3rd day of March 1997, by U.S. First Class postage.

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON TENNESSEE

JOHN HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

FILED

MAR 05 1997

JOE GATNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO.# 94-342

) MADISON CO.# 96-589

) T.C.A. NO.#

MOTION FOR NEW TRIAL / AMENDMENT

Comes now the Appellant, with or without counsel, (to protect his rights), and moves the Court to grant him a new trial for the reasons as follows:

1. Whether the trial judge erred in refusing to sign a contract pursuant to Title 3, U.C.C. section 501, to retain subject-matter of this case.
2. Whether the trial judge erred in refusing to remove the "U.S. Flags of War" from the Court, with the intent to deprive a United States citizen of his U.S. Constitutional rights, in addition, denying the Appellant from testifying on his own behalf, prejudicing him the right to a fair and impartial trial. [See: T.C.A. § 23-1-109].
3. Whether the trial judge erred in holding EX-PARTE held motion hearings, depriving the Appellant from protecting / asserting his ideas in presenting a defense in this matter, prejudicing him of a fair, and impartial trial. [See: T.C.A. § 23-1-109].
4. Whether the trial judge erred in forcing the Appellant to wear leg restraints during the jury selection process.
5. Whether the trial judge erred in allowing persons other than the jury pool, sit amongst the potential jurors, during the selection process, to wit: the parents of the deceased, Bill and Valeria Lambert, sat amongst the jury pool during the complete selection process, and was permitted to break with the jury panel, before being impaneled to sit upon the jury for this cause. [See: T.C.A. § 22-2-310].

MOTION FOR NEW TRIAL / AMENDMENT PRO-SE

6. Whether the trial judge erred in removing jurors for cause, under the Witherspoon v. Illinois, 391 U.S. 510 (1968), but failed to remove one juror because of bias, (co-worker of the deceased) and the only juror to admit a domestic violence history during the voir dire process. [See: T.C.A. § 22-1-105 (affinity)].

7. Whether the trial judge erred in permitting an (11) women, and (1) Black male, jury panel to sit upon the jury in this cause, to decide the fate of the Appellant, to which is a (32) year old, white male.

8. Whether the trial judge erred in denying the Appellant from dismissing Jesse Ford, after the jury selection, but before the state began to present testimony for this cause. (NOTE: conflict of interest). [See: T.C.A. § 23-2-101 (5)].

9. Whether the Appellant lost presumption of innocence, during the jury selection / individual voir dire stage. State v. Grace, 493 S.W.2d 474 476 (Tenn. 1973).

10. Whether the trial judge erred in allowing the Appellant to obtain medical records from the center for child development center, in order to rebutt the childrens claim, that; Appellant did not baby-sit them, during the trial for this cause, or allow him to get the records to present his attorneys to submit into evidence.

11. Whether the trial judge erred in ^{NOT} holding a pretrial evidentiary hearing, for the Appellants Habeas corpus pleading, federal court docket # 3:96-0940, & Sixth circuit # 96-6624, Henderson Co. No.# ?.

12. Whether the trial judge erred in refusing to dismiss the indictment, for the alleged errors at the preliminary hearing, pursuant to Rule 5, of the Tenn. R. Crim. P., Naugh v. State, 564 S.W.2d 654

13. Whether the denial of discovery of at least the prima facie, portion of the states case necessary to establish probable cause, will amount to reversible error, at a preliminary hearing. Note: Tenn. R. of Crim. P., Rule 5.9, Nolan v. State, 568 S.W.2d 837.

14. Whether trial judge erred in dismissing the indictment, because the state advanced its case upon illegally obtained evidence at the preliminary hearing, to which the Magistrate made PLAIN ERROR, when the judge bound over the appellant on the illegally obtained evidence, and the said evidence was printed in the local news, in violation of the Appellants Fourth, Fifth, Sixth, and Fourteenth U.S. Constitution Amendments.

MOTION FOR NEW TRIAL / AMENDMENT PRO-SE

15. Whether the trial judge erred in providing a fair and speedy trial for the Appellant, to which the appellant was denied (2) two witnesses, Jeff Hall, & Herman McKinney, in this matter, NOTE: Brother and next door neighbor, to which had first hand knowledge of the alleged incident, and the main caregiver to the children, while the descendant worked 7:00 P.M. to 7:00 A.M., 3 days one week, and four the alternating week, plus overtime routinely, while attending Jackson State Community College, Mon., Wed., and Fri., 8:00 A.M. to approx. 3:30 P.M. for (2) years.

16. Whether the trial judge erred in changing the county of venue without the Appellants consent, and over his objection.

17. Whether the trial judge properly permitted flight to be used as an aggravating circumstance. See: State v. Williams, 690 S.W.2d 517, 533 (Tenn. 1985).

18. Whether the trial judge erred in refusing to allow Appellant to make a statement before the sentence was read, to place on the record any and all claims of error, for appeal purposes. [See: T.C.A. § 23-1-10]

Respectfully submitted,

Sworn before me the 24 day of Feb 1997,
Notary Public Howard W. Benson [Signature]
My Comm. Exp. My Commission Expires JULY 24, 1999 JON HALL / APPELLANT
COUNSEL FOR APPELLANT ?

CERTIFICATE OF SERVICE

I Jon Hall, hereby certify that I have sent a true and exact copy of the foregoing motion to; 26th Dist. Atty. Jerry Woodal; P.O. Box 2825, Jackson Tenn. 38302; Office of the State Atty. General 450 James Robertson Parkway, Nash. Tenn. 37219; Office of the Clerk for the Criminal Court of Appeals, P.O. Box 909, Jackson Tenn. 388302, and his Atty. of record Clayton Mayo, P.O. Box 1625, Jackson Tenn., 38302. On this the 3rd day of March 1997, by U.S. 1st class mail.

IN THE CRIMINAL COURT OF APPEALS
AT JACKSON TENNESSEE

JON HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

FILED

MAR 05 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

) 26th JUDICIAL DIST., DIV. I

) HENDERSON CO. NO. # 94-342

) MADISON CO. # 96-589

) C.A. NO. # _____

MOTION FOR NEW TRIAL / PRO-SE / AMENDMENT

The Appellant Jon Hall, hereby swears under the penalty of perjury that the foregoing statement of facts are true to the best of his knowledge belief, and ability to express such facts, as stated in his MOTION FOR NEW TRIAL / AMENDMENT. This affidavit in support, has prepared, and duly sworn to, on this the 28th day of Feb 1997.

The Appellant states;

1. That He filed exhibits no. # [26-38], in appellate brief docket 96-6624, to protect His United States Constitutional rights, under his sovereign "Flag of Peace" of America, before He was brought into the said maratime courtroom setting. Further, the Appellant let it be known that He would testify in his own behalf, if; The trial judge would, either sign the judicial contract for the guarantee of constitutional rights under U.C.C. title 3 section 501, exhibit no. # [36-38], or remove the "Flags of War", in order for the court to retain subject-matter jurisdiction.

2. That He displayed and stood behind a true and exact version of the American flag, pursuant to 4 U.S.C. title 36 section 176, and expressed his desire to testify in his behalf, if the judge would guard, and protect his rights, pursuant to article VI, §§ 3 and 4, of the Tennessee Constitution, and /or provided by T.C.A. § 17-1-106, by removing the American, and Tennessee flags with the gold braid around it, as stated in court, and by motion. (See; exhibit no. # 31, for proof).

3. That there was a conflict of interest between the Appellant, and the lead counsel, (Jesse Ford), because, there was no meaningful sense of loyalty to the Appellants interests, pertaining to pre-trial issues, (Motions, Venue, Jury selection, discovery, & Witnesses),, instead there was a strong sense that Mr. Ford was sympathetic to the Courts and the Prosecutors position on these issues, and failed to assert the proper attention to the Appellants requests in this matter. Further, the Attorney, would not confide with Him with respect to defense strategy, or insist upon his presence during the pre-trial sessions.

4. That the parents of the descendant, (Bill & Valeria Lambert), sat amongst the jury pool during the entire jury selection process, to which, the Appellant made mention to it, but was told by Mr. Ford that; because they were not witnesses for this cause, they could sit anywhere they pleased. Note: Mr. Woodal had to have known that; this was highly prejudicial, exposing the jury pool to "extraneous prejudicial information". See: T.C.A. § 22-2-310 (Irregularities - Investigation by Judge)

5. That Madison County Court Officers, forced the Appellant to wear locking leg restraints to which: The Jackson Sun stated that; "A shackled Hall, wearing gray slacks, and a light blue cotton shirt with an American flag pocket protector, seemed to grow weary of the repeated trips to the jury room during the selection process." (Note: Pg. 3A, Tuesday February 4, 1997 edition).

6. That he tried to have jurors removed for cause, (1) for her association with Jackson Madison County Hospital, (last place of employment of the deceased, and (2) for her participation in a domestic violence incident, to which was overlooked / ignored during the voir dire process.

7. That He did not want to be tried by a jury of (11) women, and (1) black man, because it cannot be assumed that; a cross-section of the jurors from Henderson, and / or Madison Co., would consist of the exclusion of white males, especially on the eve of the O.J. Simpson Civil Trial / Verdict. (See; Statement of Fact, No. # 3.)

8. That He attempted to dismiss Jesse Ford, prior to the states presentation of witness, but was overruled by the trial judge.

9. That before the jury was seated, the Appellants presumption of innocence, was lost, by the way the individual voir dire questioning was handled in this matter, for the qualifacatins of the prospective jurors attitude toward capitol punishment, under the guidelines stated in Witherspoon v. Illinois, 391 U.S. 510 (1968). SEE ALSO: Tennessee constitution, in its Declaration of Rights, Article 1 Section 6, which declares that; the right of trial shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

10. That He tried to obtain the medical records from the center for child development, date 4/30/92 & 6/15/93, to present to either His Attorney, or the Court, during a jury out session, but was denied access to said records by both Madison County jailer, officer Reed, during court break, (lunch) and by trial judge Whit Lafon, upon a open court, (jury out) session, prior to the re-convening after lunch. Therefore, prejudicing the Appellant from presenting important evidence, that would enlighten the jury as to how much the testimony of the states (3) minor witnesses has been impaired, (competency issue), or instructed to inflame the passions, (used as a victim impact statement, rather than an admission of relevant evidence) to persuade the jury to convict the accused of FIRST DEGREE MURDER.

11. That He has submitted Habeas Corpus petition, (federal court docket no. 3:96-0940) (T.D.O.C. legal mail postage withdrawal form no. 78754) to the Henderson Co. Court, to preserve & prevent the court from overlooking the errors that occurred during the "critical stages" in order to protect and eliminate prejudicial errors, from inflicting an erroneous judgement against him. NOTE: SEE: Griffin v. Illinois, 351, U.S. 12, 76 S.Ct. 585, 100 L.ed. 891 (1956). "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." (Three-day Capitol case, including selection of jury, guilt innocence, & sentencing proceedings).

12. That He has filed all of the motions included in the Habeas Corpus petition, and appeal, because, the public defenders assigned to His case were assumptively pre-occupied with other matters, and allowed the Magistrate to make "PLAIN ERROR" pertaining to His Fourt, Fifth, Sixth, & Fourteenth U.S. Const. Due Process, & Equal Protection rights.

13. - 14. That States witness was impeached during the preliminary hearing, in this matter, (See: exhibit "A" pg. 6.; for miranda issue, & See; cross-exam of same issue on pg. 10.) because, he knew that he failed to secure waiver, and that appellant had requested the assistance of an attorney, and tried to make a "co-erced, custodial interrogation" into a "voluntary spontaneous statement" in order to prevent the defense from having an accurate version of the states (3) minor eyewitness, to prejudice the defendant from having discovery, and prepare the children to support the states argument for FIRST DEGREE MURDER.

Further, as pointed out in Habeas corpus petition exhibit "C" the state was allowed to advance their case based upon the illegally obtained confession, in violation of the Tenn. R. Crim. P. Rule 5; Waugh v. State, supra, and said evidence was printed in the local and surrounding counties newspaper, on Aug. 23, 1994, before the Grand Jury convened in this matter on Oct. 6, 1994, in violation of the the Appellants Fourth, Fifth, Sixth, and Fourteenth U.S. Const. Due Process, and Equal Protection rights.

15. The Appellant was prejudiced by several things that should have, and could have been eliminated had he had the services of a competent attorney at a critical stage. Two witnesses in this matter Jeff Hall 1/29/56 - 7/4/95, and Herman McKinney, D.O.B. and passing are unknown, died before giving testimony in this matter.

Further the Appellant adds that Herman McKinney, (next door neighbor and eyewitness to incident), knew who was the primary caretaker of the children, and would have been able to substantiate the claims of the Appellant now states as true, that the Appellant stayed at home, as the (4) childrens guardian from the end of 1991-1993, (full time) as shown by the medical records from the child development center, and up to march of 1994, as the main caregiver, for the children at night, while the mother worked the 7:00 P.M. to 7:00 A.M. shift, also the Appellant states that He watched the children as much as needed up to and including July of 1994. Further the Appellant contends that in conjunction with what the children say about daycare, and a babysitter, (Jessica), was the only one enrolled in a daycare facility, & that the next door neighbor was the babysitter (Pam Foreman), only when school let out in 1994, and occasionally on evenings in 1994, because she was a minor herself (14). Therefore, the Appellant states he was the primary caregiver of the minor children.

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16. That He never consented to a change of venue to Madison County, and told His Attorneys that: If the trial judge was not going to permit a change of venue (approx. 100 miles minimum), from Henderson Co., (Jackson Sun and WBBJ) news area, hold the trial in Henderson County, as opposed to where the news was being transmitted.

17. That He did not commit the alleged act with premeditation, and there was not an attempt to steal anything, and the Appellant has a legal claim of right to the alleged stolen vehicle, because, it was purchased at His previous place of employment, He made payments on the vehicle, and was still married to the owner, He had ~~and~~ His own keys to the van, and was insured and listed as a driver, ~~as~~ by the state farm insurance agency in McKenzie Tennessee. Further, the Appellant did not commit the ALLEGED first degree murder, during flight,

Therefore, the appellant contends that Flight should not have been used as an aggravating circumstance, to which in reality, serves no aggravating circumstance to warrant the imposition of the death penalty, and does not believe that it was applied to this case properly, in which the legislature ~~was~~ intended to be used to warrant capital punishment.

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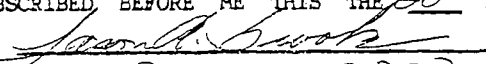
Wherefore, the affiant Jon Hall, contends that for the enclosed stated reasons, that this Honorable Court, should review these issues, in order to render a fair verdict, or at least, remand this case, back to the Circuit Court for new trial, and appoint a neutral defense attorney without any political affiliation with the 26th Judicial District, in order for the Appellant to get a fair and impartial trial, in this matter, (as far from the false prejudicial publicity as legally possible) Further the affiant saith not:

Respectfully submitted,



Affiant, Appellant Jon Hall

SWORN AND SUBSCRIBED BEFORE ME THIS THE 28th DAY OF Feb 1997.

NOTARY PUBLIC 

MY COMMISSION EXPIRES 23 Sep 2000

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
STATE OF TENNESSEE,
VS.
JON HALL,

FILED
MAR 06 1997
JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK

No. 96-589

MOTION TO ALLOW COUNSEL AND CO-COUNSEL TO WITHDRAW

Comes now Jesse H. Ford, III and Clayton F. Mayo and move the Court to allow them to withdraw as attorneys of record in the above matter and would state in support of said motion as follows:

1. Attached hereto and incorporated herein as Exhibit 1 to the motion is a recent correspondence from Jon Hall.
2. The correspondence indicates that he does not want co-counsel to continue with his representation and that he is highly dissatisfied with counsel's representation.
3. Based on the foregoing counsel and co-counsel request an order of this Court allowing them to withdraw as attorneys of record in the above styled matter.

Dated, this the 6th day of March, 1997.

Respectfully submitted,



JESSE H. FORD III 009775


CLAYTON F. MAYO 014138

Attorneys for Defendant
P. O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on Mr. Al Earls, Assistant District Attorney, P. O. Box 2825, Jackson, Tennessee 38302 and Mr. Jon Hall, R.M.S.I. U-2-A-110, 7475 Cockrill Bend Ind. Rd., Nashville, Tennessee 37209-1010 by mailing the same with sufficient postage to insure proper delivery this the 6th day of March, 1997.



JON HALL

R.M.S.I. U-2-A-110

7475 Cockrill Behnd Ind. Rd.

Nash. Tenn. 37209-1010

Clayton Mayo
618 N. Highland
P.O. Box 1625
Jackson, Tenn. 38302

To Clayton Mayo;

Dear Sir, enclosed you will find six motions that I want filed in my behalf; (1) Notice of Appeal (2) Motion for preservation of records / evidence (3) Motion for transcript of prior trial (4) Motion for Judgement of Acquittal (5) Motion in Arrest of Judgement (6) The Pro-Se Amendment / Motion for New Trial. I will be sending them to the addresses listed on the certificate service, on the same day I send you these six motions and this letter. Please sign them and file them on record.

As you know I was displeased on how Jesse Ford, presented a defense for me. It does not take a genius to figure out that Jesse Ford was not acting in my best interests. I know you said that you were not able to present motions etc. on my behalf, because he was the lead counsel. Well I do not intend on having Jesse Ford represent me on a public drunk charge, much less my appeal. He failed to ask important questions, like, to Byrd, Whose maps were they in the car ? A. THE SMITH'S; 2. Why didn't he question byrd more about my shoes ? Byrd stated at the preliminary hearing that he took shoes into evidence Byrds memory sucked at the pre-lim, and I believe it was selectively bad when anything we needed to get in. (I Know), he had also told me he was going to get the deputy from Bell Co. Texas to testify, Where's them records ? 3. Why didn't he ask Randy anymore questions ? Randy could have cleared up the van pymt. issue, He also knew that I picked up a clutch on tues. and borrowed a floor jack, to install it, to which he went out later and pulled it out from under the car proving that I was out at the house several days that week to to work on the white lebaron. He could've asked the girls that also. He could've asked brenda / dawn who watched the girls almost all the time, even when we lived in Hunt. & when they visited me at lexington.

1.

I could go on & on, especially not digging deeper into why cindy said I pushed my way in when he knew that I called before I went out, he could have proved that Jerry Woodal, was soliciting known false testimony, I wonder if its because he threw my case, and didn't want anything pertaining to the truth come out. I KNOW, that was the sorryest trial advocacy litigation that I have ever seen. I could've represented myself better on august 23, 1994, after my preliminary, and before being treated for depression. If you really care, you will show me by getting me my records that I have requested several times, along with a copy of this trial transcript, motion hearings transcripts, (which have to be included into the record for appellate review)... So I can point out the errors, that Jesse Ford, enjoyed inserting into this case. If not I do not feel that you are going to represent me effectively, pertaining to the truth. I'm hesitant to even allow you to represent me because you are there and didn't make Jay act right. Although for some reason, I don't feel that, ^{U-Thought} Jay did the right thing, in presenting a purported defense, without its reality. But if you don't want the obligation, I don't blame you, just let me know. Just please sign my six motions, and make sure Jesse Ford stays out of my case, I can't deal with BENEDICT ARNOLD, anymore... I'll just keep on filing my motions pro-se, & complain to the B.O.P.R. until I get an atty. to present a proper defense, and waste every tax payer dollar I can, until someone listens to the truth...

Well this isn't very professional, but it explains to you why I feel the way I do, not to mention, not mentioning anything to me about Chris Dutton, until he testified, thats like him failing to impeach Byrd with the pre-lim transcript, or giving me records to make a defense, since I've been here in Nash., Clay I gotta go before I start really expressing my discontent with Ford, for not presenting my case, and holding Jerry Woodal's hand to give me the DEATH SENTENCE, I hope he feels as good as I do about Billie, not being here, and my girls not having parents, and brainwashing my kids to lie against me for your political cause. MAY GOD HAVE MERCY ON THE DECEIVERS, WHEN THEIR TIME HAS COME. Psalm 31, in Jesus name I Pray, Amen.


Jon Hall

Sworn before me this the 24 day of Feb. 1997.

Notary Public Hendrick Wayne Brandon

My Commission Expires JULY 24, 1999

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
STATE OF TENNESSEE,

VS.

JON. HALL,

No. 96-589

FILED
MAR 07 1997
JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK

MOTION FOR NEW TRIAL OR VERDICT OF ACQUITTAL

Comes now the Defendant, by and through his attorneys of record, and moves the Court for a verdict of acquittal or a new trial be granted and says as follows:

1. That the evidence is insufficient to support the verdict.
2. That the verdict is against the weight of the evidence.
3. That the Court erred when it allowed the Attorney General to question Cindy Conner regarding a statement which she made in that she was only questioned about the facts on the first page of the statement and was not questioned upon cross-examination about any other facts. The court allowed the State to ask questions on redirect which were outside the scope of cross-examination all to Defendant's prejudice.
4. That the Court erred in failing to allow Cheryl Abergast to testify regarding Defendant's state of mind prior to the date of the alleged incident herein and the Defendant was not allowed to make an offer of proof on that issue.
5. That photographs were introduced during the sentencing phase which were highly prejudicial over Defendant's objection. These photographs were gruesome and inflammatory and their prejudicial effect outweighed the probative value. They were also cumulative and unnecessary and they tended to prove what has already been admitted into evidence, this is the autopsy report of the victim.
6. That it was error to charge the jury that "the murder was committed while engaging in or committing or was an accomplice in the commission of or was attempting to commit, or was fleeing after committing or attempting to commit, any first degree murder, rape, burglary or kidnapping" and these aggravating circumstances were improperly presented to the jury and were a necessary part of the offenses charged. See also Middlebrooks vs. State, 840 S.W.2d 317, (Tenn.1992).

7. That the aggravating circumstances fail to properly narrow the class of defendants subject to the death penalty.

8. That the heinous, atrocious and cruel aggravator is unconstitutionally vague.

9. That the evidence was insufficient to support the findings of the aggravating circumstances.

10. That the aggravating circumstances did not outweigh the mitigating circumstances and the death sentence should be reduced to life without parole.

11. That the Court erred in allowing cameras in the courtroom for the trial.

12. That the electric chair constitutes cruel and unusual punishment under the Tennessee and U. S. Constitutions.

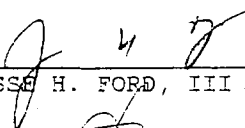
13. That the State failed to prove the required mental state necessary to form the specific intent to commit first degree murder.


14. The Court erred in failing to grant Defendant's motion to declare the death penalty unconstitutional in that it violates the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Sections Eight, Nine, Ten and Sixteen of the Tennessee Constitution.

Based on the foregoing your Defendant Jon Hall would seek an order of this Court granting a new trial.

Dated, this the 4th day of March, 1997.

Respectfully submitted,

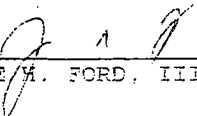

JESSE H. FORD, III 009775


CLAYTON F. MAYO

Attorneys for Defendant
P. O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on Mr. Al Earls, Assistant District Attorney, P. O. Box 2825, Jackson, Tennessee 38302 by mailing the same with sufficient postage to insure proper delivery this the 4th day of March, 1997.


JESSE H. FORD, III

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

STATE OF TENNESSEE,

Appellee,

vs.

JON HALL,

Appellant.

FILED

MAR 12 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK

A.M.

C. C. A. NO. 02C01-9703-CC-00095

MADISON COUNTY

96-589

FILED

MAR 12 1997

Clerk of the Courts

Rec'd By: *[Signature]*ORDER

This matter is before the Court upon the appellant's pro se notice of appeal, motion for preservation of the record, motion for transcript of prior trial, motion for judgment of acquittal, motion in arrest of judgment, and motion for new trial. It appears final judgment was entered in the trial court on or about February 5, 1997. The record on appeal, however, has not yet been transmitted to this Court. Moreover, this Court does not have jurisdiction to respond to these type of motions the appellant has filed in this Court. Accordingly, it is hereby ORDERED that the appellant's above-listed motions are denied.

Enter, this the 24 day of March, 1997.
PAUL G. SUMMERS, JUDGE

I, Cecil Crowson, Jr., Clerk hereby certify that
this is a true and exact copy of the original

file in the cause

this 12th day of March 1997
CLERK OF COURTBy: *[Signature]*

IN THE CIRCUIT COURT OF THE TWENTY-SIXTH JUDICIAL DISTRICT
AND THE CRIMINAL COURT OF APPEALS, AT JACKSON TENNESSEE

JON HALL

APPELLANT

V.

STATE OF TENNESSEE

APPELLEE

FILED

MAR 19 1997

JOE GAFENEY, CIRCUIT COURT CLERK
DEPUTY CLERK

MADISON COUNTY NUMBER 96-589

C.C.A. NO. 02C01-9703-CC-00095

MOTION TO CURE OR WAIVER OF DEFECT

Comes now the Appellant Jon Hall, and moves these Honorable Courts to waive the defects of the six post trial motions filed in the Criminal Court of Appeals, that were meant for the Circuit Court of Madison County. In support of this motion, the Appellant will show these Honorable Courts the following:

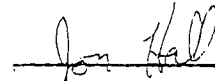
1. That; from the Appellants interpretation of Tennessee Practice Raybin Series Vol. 9 § 7.16, and Vol. 11 § 33.0 - 34.0, required that, pursuant to an erroneous judgement, the post trial motions had to be filed in the Office of the Clerk of Criminal Appeals, as well as the Clerks Office of the Twenty-Sixth District.

2. That; the Appellant intends on pursuing ineffective assistance of counsel claims on direct appellate review, and has received a copy from the Attorneys of record, requesting that Counsel requests to be allowed to withdraw, and included priveleged Attorney / Client Legal mail to support their motion.

3. That; the Appellant wishes to amend His PRO SE motion for arrest of judgement, to support the original motion filed in this matter. (included with this motion / correspondence).

Wherefore, the Appellant requests that the Twenty-Sixth Judicial District Court in Madison County, accept the (6) six previously filed post trial motions sent to the Office of the Clerk on March 5, 1997 by certified return receipt, U.S. Mail # P-360-921-321, signed for by Sherry Carter, of the Twenty-Sixth Judicial District Court in Madison County; Also received by Al Earls on 3/5/97 cert. mail # P-360-921-319; Jesse Ford on 3/3/97 cert. mail # P-360-921-320; for an appropriate review of the Appellant's claim of error in this matter.

Respectfully submitted,



Jon Hall / Appellant

Sworn and subscribed before me this the 14th day of March 1997.
Notary Public Brenda Banner
My Commission Expires September 18, 1999

CERTIFICATE OF SERVICE

I _____, hereby certify that I have mailed a true and exact copy of the foregoing motion to cure waiver of defect, to Office of the Clerk for the Twenty Sixth District in Madison Co.; at 100 East Main Street, Jackson Tenn. 38302; Twenty-Sixth Dist. Atty. at P.O. Box 2825 Jackson Tennessee 38302; and The Office of the Clerk, for The Criminal Court of Appeals, P.O. Box 909 Jackson Tenn. 38302; on this the ____ day of ____ 1997.

APPROVED BY COUNSEL ?

IN THE CIRCUIT COURT FOR THE TWENTY-SIXTH JUDICIAL DISTRICT IN MADISON COUNTY

JON HALL)	
Movant / Petitioner)	
)	TWENTY-SIXTH DIST. IN MADISON CO.
V.)	DOCKET NO. <u>96-589</u>
)	C.C.A. NO. <u>02C01-9703-CC-00095</u>
STATE OF TENNESSEE)	
Respondent / Appellee)	

AMENDMENT / MOTION IN ARREST OF JUDGEMENT / POINTS AND AUTHORITIES

Comes now the Movant / Petitioner Jon Hall, by
and through counsel ? To amend His motion in arrest of judgement. In
support of the previously filed motion in arrest of judgement, Movant
moves this Honorable Court to include the following argument / points
of authority, for the Courts consideration in this matter.

INTRODUCTION

The Movant Jon Hall, is a Citizen of the United States in the Kingdom of God of America. The American Flag of Peace represents the sovereign Jurisdiction of the Movant. The Courts Flag, in the County of Henderson & Madison, is; The "Maratime", "Flag of War". Movant reserves all United States Constitutional Rights of His Country, and under the jurisdiction of His Flag.

Outside the Henderson & Madison, County Courthouse, hangs the traditional United States "American Flag of Peace". The "Maratime," "Flag of War," has a GOLD BRAID, and / or ROPE, with a GOLD EAGLE on top and hangs in the Henderson & Madison, County Courthouse. Under the jurisdiction of the "American Flag of Peace" of the United States, "No War Flag is allowed in the Court". (for e.g., See: title 4 U.S.C. Sec. 176 for specifications of the traditional American Flag). & See also; Army Regulations October 1979 Section 840).

Because the Court exercised its authority under the Maratime Flag, Movant was assumed guilty until proven innocent, under the "WARS POWER ACT" of 1933, and violated Movant's Substantive, and Procedural Rights; (1) Substantive Rights for the failure to advise, and secure a valid contract for consent, that this Court was presiding in Admiralty; and (2) Procedural Rights by exercising two (2) different jurisdictions, under two (2) different flags at the same time.

By coercing Movant inside the sanctuary of the bar, under the Maratime Flag of War, during prior stages in these proceedings, the Court created collusion under 28 U.S.C. Chapter 85 Section 1359. Therefore, the Court was without competent jurisdiction to try the Movant in this matter, pursuant to Rule 12.02 (1), (2), & (3) of the Federal Rules of Civil Procedure; (1) The Court lacks jurisdiction over the subject matter of Movant, and (2) The Court lacks jurisdiction over Movant's citizenship under the American Flag of Peace.

THE POLICY AND / OR CUSTOM OF THE COURT AND THE INTENT
TO CAUSE MOVANT A CONSTITUTIONAL INJURY:

The Judge is responsible for the set up of the Courtroom. He brought the Flag and / or allowed the Maratime Flag to be brought into the Courtroom before he had subject matter jurisdiction over the Movant. The Maratime Flag represents the suspension of the Movant's Fifth, Sixth, and Fourteenth United States Constitutional Rights; and (1) The right to be deemed innocent until proven guilty; (2) The right to a fair, and speedy trial.

The Judges of this Court have a sworn oath (if not expired, to which is unconstitutional) to administer justice under the Constitution and Laws of the United States. See; 28 U.S.C. Sec. 453 which states; Each Justice or Judge of the United States shall take the following oath or affirmation before performing the duties of His Office:

I _____, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitutions and the Laws of the United States. So help Me God."

Since the Judge was acting under two (2) jurisdictions, under two (2) different flags, the Court has lost competent jurisdiction over the Movant. (See; e.g., actors acting in disguise, The Monroe Doctrine of 1871).

The intent to cause the movant a deprivation of His United States Constitutional Rights to His Fifth, Sixth, and Fourteenth Amendment Rights, can be mirrored under 42 U.S.C. title 1986, for knowledge of the law pursuant to T.C.A. § 17-1-106 (a), when the Judge brought the Maritime Flag of War, into the Courtroom, before having subject-matter jurisdiction over the movant, which shows and establishes intent under 42 U.S.C. 1986; and (2) Policy and / or custom of exercising Maritime Law under a judicial setting (See; e.g. title 42 U.S.C. 1983, chapter 21 notes 333, 349, 350, 351, 352, and 355). This custom and or policy constitutes "Perjury of Oath" Under title 18 U.S.C. Section 1621.

POINTS AND AUTHORITY IN SUPPORT

Maritime Law is that which congress has enacted to the Federal Courts, sitting in admiralty of the United States, during the exercise of their Maritime Jurisdiction, which would have to have been declared and made known to the Movant to apply. J.B. Jefferson Co. v. Three Bays Corp., C.A. Fla. 238 F.2d 611, 615; See also e.g. O'Donnel v. Great Lakes Dredge & Dock Co., 313 U.S. 35, 63 S.Ct. 488, 87 L.Ed 596.

Because this Court was exercising its jurisdiction under Maritime Law, it had no authority to sentence Movant relating to the subject matter of His case - without His consent to contract with the Court to be sentenced under said Maritime Jurisdiction; Therefore, the Court had no power, and / or authority to hear the criminal proceeding before it. See; e.g. Davis v. Davis, 9 Ill. App. 3d 922, 213 N.E.2d 399, 405).

It cannot be acquired or implied (through constructive knowledge and consent) that Movant knowingly consented to said Maritime and personal jurisdiction of this Court at the time He was sentenced. See; e.g. Hess v. Pawloski, 274 U.S. 352, 47 S.Ct. 632, 71 L.Ed. 1091.

The purpose of Statutes enacted by Congress pursuant to the courts presiding in Admiralty was reserved for the Federal Courts to hear Maritime claims.

By this Court exercising an ancillary jurisdiction under Maritime Law, it violated both Movant's Substantive, and Procedural Rights, by replacing the "American Flag of Peace," (under the "WARS POWER ACT" of 1933) with the "Maritime Flag of War". Therefore, the act of this Court trying, and sentencing the Movant under Maritime Law, constitutes:

- (1) PERJURY OF OATH; Title 18 U.S.C. Section 1621; T.C.A. § 39-16-703
Title 28 Section 1745; for e.g., See; Henry v. Dean, 310 N.C. 75,
310 S.E.2d 326-335.
- (2) INTENT with KNOWLEDGE to DEFRAUD the CONSTITUTION; Title 18 U.S.C. 872;
and / or OBSTRUCTION OF JUSTICE, See; T.C.A. § 39-14-112 (EXTORTION).

[ARGUMENT / POINTS AND AUTHORITIES, PURSUANT TO:]

THE INTENT TO DEPRIVE MOVANT OF HIS PROTECTED
UNITED STATES CONSTITUTIONAL RIGHTS

The Judge is responsible for the set up of the Courtroom; He brought the "Maritime Flag of War," and / or allowed the Maritime Flag to be placed into the Courtroom, before He had valid subject-matter jurisdiction over the Movant's citizenship under the "American Flag of Peace". Further, Movant did not have a contract with the officers of this Court, under the Uniform Commercial Code 3, Section 501, in an agreement, knowingly consenting with the Court, to be tried and / or sentenced under the Maritime jurisdiction, in an Admiralty Court.

By coercing / forcing the Movant inside the sanctuary of the Courts Bar, under Maritime jurisdiction, sitting in admiralty, and without a contract with the movant. The Judge, Whit S. Lafon, the District Attorney Jerry Woodal, His Assistant Al Earls, and the Movant's Attorney of Record Jesse Ford, Clayton Mave, created and engaged in collusion in violation of Title 28 Chapter 85, Section 1359.

The intent to deprive the Movant of His Constitutional Rights, relevant to this cause, can be shown by policy and / or custom of the Officers of the Court. (See; e.g., 42 U.S.C. § 1983 notes: 319-337). Further, the Officers of the Court also committed perjury of oath, to uphold the Movant's United States Constitutional Rights, contrary and in conflict with the Maritime jurisdiction of the "WARS POWERS ACT" of 1933 (See; e.g., 28 U.S.C. § 453, revision notes applying to the phrases of the Judges Oath of Office).

In the United States, the Office of the Attorney General is one which is provided by the Constitutional and Statutory Provisions of the various states, and where the powers and the duties of the Atty. General are fixed by the Constitution, a statute interfering with the Constitution is invalid. Murphy v. Yates, 348 A.2d 837, Md. 475, 34 A.L.R.3d 1.

Pursuant to the high standards of the Attorney General's Knowledge of the Law, He knew that this Court was sitting in Admiralty at the time Movant was tried and sentenced. (See; 42 U.S.C. 1986 note 8, for Knowledge of the Law). See also; State v. Fields, 7 Tenn. 140, 145-146 (virtue of the District Attorneys commission and Oath of Office).

Whereas, sentencing the Movant under the Maritime Law, constitutes and triggers the following:

The Movant had no contract with the Court to be sentenced under the Maritime Jurisdiction, which had to be declared and made known to the Movant, if the Court was legally to retain subject-matter over the case. Otherwise, a Maritime contract relates to business of navigation. Massman Const. Co. v. Bassett, D.C. Mo. 30 F. Supp. 813, 815.

A Maritime contract is that of which the subject matter has a relation to the navigation of the seas or to the trade or commerce, to be conducted by navigation or to be done upon the Seas or the Ports. Marubeni V. Iida, Inc. v. Nippon Yusen Kaisha, 207 F. Supp. 418-419.

This constitute false impersonation in exercising under an illegal jurisdiction which the Court had no legal authority over the subject-matter. People v. Horkans, 109 Colo. 177, 123 P.2d 824, 826. (See: also; for e.g., Monroe Doctrine of 1871 - Actors acting in disguise).

This constitutes a bad faith motive, and intent by the Court, and / or the Officer's of the Court, when they brought the "Maritime Flag of War" into the courtroom, before the Court had subject-matter jurisdiction over the Movant. See; Lunchmann v. Schaefer, Mo. App., 142 S.W.2d 1088, 1090; Davis v. Nash Central Motors, Mo. App. 332 S.W.2d 475, 480. (the act of intentionally doing a wrongful act, and knowing at the time that it was wrongful).

Because Movant did not legally consent to a Maritime contract with the Court, it constituted a voidable contract, to which is void as to the wrongdoer, but not void as to the wronged party. Depner v. Joseph Zukin - Blouses, 13 Cal. App. 2d 124, 56 P.2d 574, 575.

A contract which, is void, which never had any legal effect, can not in any manner have life breathed into it. National Union Indemnity Co. v. Bruce Bros., 44 Ariz. 454, 38 P.2d 648, 652.

It cannot be acquired or implied, through constructive knowledge or consent, that; when Movant stated His name for the record, inside the sanctuary of the Courts Bar, (at the Courts request in the prior proceedings) that; Movant knowingly consented to a Maritime contract with the Court. Consent connotes a concurrence of wills; voluntarily yielding the will to the proposition of another; acquiesce or compliance therewith. The act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance, the good or the evil of both sides. It means voluntary agreement by a person in the possession and exercise of a sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power of acting, and a serious, and determined, free use of these powers. The act of consent is implied in every agreement. It is to be an act unclouded by fraud, duress, or sometimes even mistake. Willingness in in fact that an act or an invasion of an interest shall take place. Restatement, Second, Tort, § 10 (a).

As a result of the Movants ignorance of the law, constituted void for vagueness, and a void judgement. A law which is so obscure in its promulgation that a reasonable person could not determine from a reading what the law purports to command or prohibit is void, as violative of Due Process. (one which has no legal force or effect, to which the invalidity of which may be asserted by any person whose rights are affected at anytime at any place, directly, or collaterally). See; e.g., Reynolds v. Volunteer State Life Ins. Co., Tex. Civ. App. 80 S.W.2d 1087, 1092. One which, from its inception is & forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or support a right, of no legal force and effect whatsoever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree.

By the Court replacing the "American Flag of Peace" with the "Maritime Flag of War", under the WARS POWER ACT of 1933, i.e., to deprive the Movant of His United States Constitutional Rights, "The Officer of this Court was acting in bad faith. "Bad Faith" generally implies or involves actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some contractual obligation not prompted by an honest mistake as to ones rights, or duties, but by some interested or sinister motive. The term "Bad Faith" is not simply bad judgement or negligence, but rather it implies the conscious doing of a wrong because of a dishonest purpose or moral obliquity; it is different from the negative idea of negligence in that it contemplates a state of mind affirmatively operating with furtive design or ill will. (See; e.g., State v. Williams, Ind. App., 367 N.E.2d 1120, 1124).

CONCLUSION IN SUPPORT

Jurisdiction exists when a Court has cognizance of class of cases involved, proper parties are present and point to be decided is within the power of the Court. United Cemeteries Co. v. Strother, 342 Mo. 1155, 119 S.W.2d 762, 765; Harder v. Johnson, 147 Kan. 440, 76 P.2d 763, 764. (See e.g., The right and power of a court to adjudicate concerning the subject-matter in a given case. Biddinger v. Fletcher, 224 Ga. 501, 162 S.E.2d 414, 416.

Now that the Court has used its policy and / or custom to try Movant under the Maritime Law, Movant declares his sovereign immunity from prosecution, under His American Flag of Peace of the United States and under His sovereign belief under the Kingdom of His God, to which Movant is an ambassador under His Flag of Peace of the United States of America. So help Me God, Amen.

Wherefore, Movant moves this Honorable Court to vacate, and dismiss this action pursuant to T.C.A. § 40-30-203; which provides; (grounds for relief), Sec. (a), Relief under this chapter shall be granted when the conviction or the sentence is void, or voidable, because of the abridgement of any right guaranteed by the constitution of this State or the Constitution of the United States.

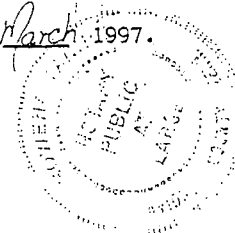
Respectfully submitted,

APPROVED BY COUNSEL ?

Jon Hall
Movant / Petitioner / Jon Hall

COUNSEL OF RECORD

Sworn and subscribed before me this the 14th day of March, 1997.
Notary Public Ronald Tanner
My Commission Expires September 18, 1999



CERTIFICATE OF SERVICE

I Jon Hall, hereby certify that I have mailed a true and exact copy of the foregoing amendment for an arrest of judgement to the Twenty-Sixth District Attorney, Jerry Woodal, P.O. Box 2825 Jackson Tennessee 38302; The Office of the State Attorney General, at 450 James Robertson Parkway Nashville Tennessee 37243-0485; Office of the Circuit Court Clerk, of Madison County, 100 East Main Street in Jackson Tennessee 38302; Office of the Clerk, for the Criminal Court of Appeals, P.O. Box 909 Jackson Tennessee 38302-0909, by U.S. First class mail on this the 16th day of March 1997.

Note: On March 10, 1997, I received a motion / request for the Court to allow Jesse Ford, and Clayton Mayo, to withdrawal, filed on March 4, 1997.

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
STATE OF TENNESSEE,
VS.
JON HALL,
No. 96-589
NOTICE OF ENTRY REQUESTED
ORDER OVERRULING MOTION FOR NEW TRIAL

FILED
MAR 27 1997
JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

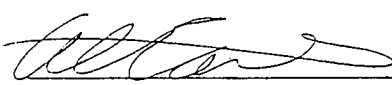
This matter came on for hearing on this the 20th day of March, 1997, before the Honorable Whit S. LaFon, Judge, on the Defendant's Motion for New Trial or Verdict of Acquittal. The Court finds after hearing argument of counsel that the motion is not well taken and is hereby overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Defendant's Motion to New Trial or Verdict of Acquittal is hereby overruled.

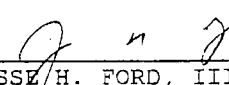
ENTER, this the 27 day of March, 1997.


WHIT S. LAFON, Judge

APPROVED FOR ENTRY:


AL EARLS
Assistant District Attorney
P. O. Box 2825
Jackson, TN 38302

CLAYTON F. MAYO
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302


JESSE H. FORD, III 009775
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
STATE OF TENNESSEE,
VS.
JON HALL,

MAR 27 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK

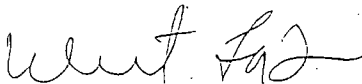
No. 96-589

ORDER OVERRULING MOTION FOR COUNSEL TO WITHDRAW

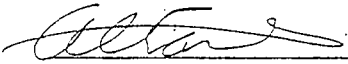
This matter came on for hearing on this the 20th day of March, 1997, before the Honorable Whit S. LaFon, Judge, on the motion of Jesse H. Ford, III and Clayton F. Mayo that they be allowed to withdraw as counsel of record in the above matter. The Court finds that the motion is not well taken and overrules the same.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the motion to withdraw as counsel of record is hereby overruled and denied.

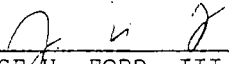
ENTER, this the 27 day of March, 1997.


WHIT S. LAFON, Judge

APPROVED FOR ENTRY:


AL EARLS
Assistant District Attorney
P. O. Box 2825
Jackson, TN 38302


CLAYTON F. MAYO
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302


JESSE H. FORD, III 009775
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

FILED

MAR 27 1997

JOF LAMMEY CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

STATE OF TENNESSEE)

v.)

JON HALL)

No. 96-589

STATE'S NOTICE OF APPEAL

Comes now the State of Tennessee by and through the office of the District Attorney General and gives notice of its intent to appeal the trial courts decision to not permit counsel for the defense to withdraw.

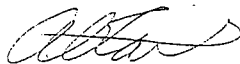
Respectfully Submitted:



AL EARLS
ASSISTANT DISTRICT ATTORNEY

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing has been mailed to Mr. Clay Mayo, and Jay Ford, Attorneys at Law, 618 N. Highland, Jackson, TN 38302, Mr. Charles Burson, Attorney General, 450 James Robertson Parkway, Nashville, TN 37243-0485, and Court of Criminal Appeals, P.O. Box 909, Jackson, TN 38301 this the 27 day of March, 1997.



AL EARLS
ASSISTANT DISTRICT ATTORNEY

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE

STATE OF TENNESSEE,)

VS.)

JON HALL,)

No. 96-389)

Sentence of Death (X)

Life Without Parole ()

Life Imprisonment ()

FILED

APR 21 1997

JOE CAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

REPORT OF TRIAL JUDGE IN FIRST-DEGREE MURDER CASES

A. DATA CONCERNING THE TRIAL OF THE OFFENSE

1. Brief summary of the facts of the homicide, including the means used to cause death:

Mr. Hall beat his wife, the victim Billie Hall. She received serious trauma to various parts of her body including her neck. She was then placed in a swimming pool face down. Cause of death was a combination of strangulation and/or drowning according to Dr. O. C. Smith.

2. How did the defendant plead? Guilty () Not guilty (X)

3. Was guilt determined with or without a jury? With (X)
Without ()

4. Separate Offenses:

a. Were other offenses tried in the same trial?
Yes () No (X)

b. If yes, list those offenses, disposition, and punishment:

5. Did you as "thirteenth juror" find that the defendant was guilty beyond a reasonable doubt? Yes (X) No ()

6. Did the defendant waive jury determination of punishment?
Yes () No (X)

7. a. Did the State file a notice of intent to seek the death penalty? Yes (X) No ()

b. Did the State file a notice of intent to seek life imprisonment without parole? Yes () No ()

c. Did the State withdraw its notice of intent to seek the death penalty either formally or informally?
Yes () No (X)

d. What sentence was imposed? Death (X) Life Without Parole () Life Imprisonment ()

e. If life imprisonment, was it imposed as a result of a hung jury? Yes () No ()

8. Aggravating Circumstances, T.C.A. §39-13-204(i):

a. Were statutory aggravating circumstances found?

Yes (X) No ()

b. Which of the following statutory aggravating circumstances were instructed and which were found? (Note: Please note the version of the statutory aggravating circumstance instructed in the blanks provided when applicable, i.e., the 1989 version or the 1995 version)

	<u>Instructed</u>	<u>Found</u>
(1) Age of the victim	()	()
(2) Prior convictions	()	()
(3) Risk of death to others	()	()
(4) Murder for remuneration	()	()
(5) Heinous, atrocious, or cruel	(X)	(X)
(6) To avoid arrest or prosecution	(X)	(X)
(7) Committed in conjunction with another felony	(X)	(X)
(8) Committed while in custody	()	()
(9) Victim was member of law enforcement, etc.	()	()
(10) Victim was a judge, district attorney, etc.	()	()
(11) Victim was elected official, etc.	()	()
(12) Mass murder	()	()
(13) Mutilation of the body	()	()
(14) Other		

Relate any significant aspects of the aggravating circumstance(s) that influence the punishment. Number of blows as evidenced by photographs and autopsy report, specifically the testimony of Dr. O. C. Smith.

c. Were the aggravating circumstances found supported by the evidence? Yes (X) No ()

9. Mitigating Circumstances, T.C.A. §39-13-204(j):

a. Were mitigating circumstances raised by the evidence?

Yes (X) No ()

8. Aggravating Circumstances, T.C.A. §39-13-204(i):
- a. Were statutory aggravating circumstances found?
Yes (X) No ()
- b. Which of the following statutory aggravating circumstances were instructed and which were found? (Note: Please note the version of the statutory aggravating circumstance instructed in the blanks provided when applicable, i.e., the 1989 version or the 1995 version)

	<u>Instructed</u>	<u>Found</u>
(1) Age of the victim	()	()
(2) Prior convictions	()	()
(3) Risk of death to others	()	()
(4) Murder for remuneration	()	()
(5) Heinous, atrocious, or cruel	(X)	(X)
(6) To avoid arrest or prosecution	(X)	(X)
(7) Committed in conjunction with another felony	(X)	(X)
(8) Committed while :	↑	↑
(9) Victim was member	no	No.
(10) Victim was a judge		
(11) Victim was elected		
(12) Mass murder	-(i)(7) was not instructed	
(13) Mutilation of the		
(14) Other		

Relate any significant aspects of the aggravating circumstance(s) that influence the punishment. Number of blows as evidenced by photographs and autopsy report, specifically the testimony of Dr. O. C. Smith.

- c. Were the aggravating circumstances found supported by the evidence? Yes (X) No ()
9. Mitigating Circumstances, T.C.A. §39-13-204(j):
- a. Were mitigating circumstances raised by the evidence?
Yes (X) No ()

b. If so, what mitigating circumstances were raised by the evidence?

	<u>Yes</u>	<u>No</u>
(1) No significant prior criminal history	(X)	()
(2) Extreme mental or emotional disturbance	(X)	()
(3) Participation or consent by victim	()	()
(4) Belief that conduct justified	()	()
(5) Minor accomplice	()	()
(6) Extreme duress or substantial domination	()	()
(7) Youth/advanced age of defendant	()	()
(8) Mental disease or defect or intoxication	(X)	()
(9) Other (explain): <u>See attached copy of mitigating factors which were instructed</u>		

c. Relate any significant facts about the mitigating circumstances that influence the punishment.
None

d. If tried with a jury, was the jury instructed regarding all the circumstances indicated in 11(b) as mitigating circumstances? Yes (X). No ()

If no, list which circumstances were not included as mitigating circumstances and explain why such circumstances were omitted:

10. If the sentence was death, does the evidence show that the defendant killed, attempted to kill, or intended that a killing take place or that lethal force ~~by~~ employed?
Yes (X) No () 62

11. Was there evidence that at the time of the offense the defendant was under the influence of narcotics, dangerous drugs or alcohol which actually contributed to the offense? Yes (X) No ()

If yes, explain: possibly under the influence of alcohol, but jury rejected that defense

12. General comments of the trial judge concerning the sentence imposed in this case (e.g. whether this sentence is consistent with those imposed in similar cases the judge has tried, etc.):

The evidence fully supported the imposition of the death penalty. The defendant had several opportunities to withdraw from the situation, but followed the victim out of the house. Also defendant's children were present and witnessed part of the beating inflicted upon the victim.

13. Brief impression of the trial judge as to conduct and/or affect of the defendant at trial and sentencing: The defendant showed little of any remorse during entire proceeding.

B. DATA CONCERNING DEFENDANT

1. Name Hall, Jon D. 2. Birth Date 08/05/64
3. Sex Male 4. Marital Status: Never Married _____
Married X
Divorced _____
Spouse Dec'd _____
5. Race Caucasian
6. Children: Number 2
Ages 6 & 9
Other Dependents: _____
7. Parents: Father-living? Yes () No (X)
Mother-living? Yes (X) No ()
8. Education: Highest Grade or Level Completed: _____
9. Intelligence Level Low (IQ below 70) _____
Medium (IQ 70 to 100) X
High (IQ above 100) _____
Unknown _____
10. a. Was the issue of defendant's mental retardation under
T.C.A. §39-13-203 raised? Yes () No (X)
b. If so, did the court find that the defendant was mentally
retarded as defined in T.C.A. §39-13-203(a)?
Yes () No ()
11. a. Was a psychiatric or psychological evaluation performed?
Yes (X) No ()
b. If yes, summarize pertinent psychiatric or psychological
information and/or diagnoses revealed by such evaluation.
omitted
12. Prior Work Record of Defendant:
- | | Type of Job | Pay | Dates Held | Reason for Termination |
|----|-----------------|------------|------------------|------------------------|
| a. | <u>mechanic</u> | <u>N/A</u> | <u>1993-1994</u> | <u>N/A</u> <u>Quit</u> |
| b. | _____ | _____ | _____ | _____ |
| c. | _____ | _____ | _____ | _____ |
13. Defendant's Military History:
None
14. a. Does the defendant have a record of prior convictions?
Yes () No () Omitted (X)
b. If yes, list the offenses, the dates of the offenses and
the sentences imposed:
- | | Offense | Date | Sentence |
|----|-------------------------------|-------|----------|
| 1. | <u>Omitted as prejudicial</u> | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |

15. Was the defendant a resident of the community where the homicide occurred? Yes (X) No ()
16. Noteworthy physical or mental characteristics or disabilities of defendant:
intermittent explosive disorder, depression (severe)
17. Other significant data about the defendant:

C. DATA CONCERNING VICTIM, CO-DEFENDANTS AND ACCOMPLICES

1. Age of victim 30
2. Race of victim Caucasian
3. Sex of victim female
4. Describe the relationship between the defendant and the victim (e.g. family member, employer, friend, etc.):
estranged wife
5. Was the victim a resident of the community where the homicide occurred? Yes (X) No ()
6. Was the victim held hostage during the crime?
____ Yes - Less than one (1) hour
____ Yes - More than one (1) hour
X No

If yes, give details: _____

7. a. Describe the physical harm and/or injuries inflicted on the victim:
severe beating (at least 83 individual blows possible weapons); the victim was also strangled and thrown into a pool to drown.
- b. If the victim was tortured, state the nature of the torture: methodical beating to selected targets on the body, strangled and part of the purpose of the drowning was to terrorize the victim according to statements of the defendant.
8. Co-Defendants:
- a. Were there any co-defendants in the trial?
Yes () No (X)
- b. If yes, what conviction and sentence were imposed on the co-defendants?

- c. Nature of the co-defendants role in offense:

- d. Any further comments concerning co-defendants:

9. Other Accomplices:

- a. Were there any persons not tried as co-defendants who the evidence showed participated in the commission of the offense with the defendant? Yes () No (X)
- b. If yes, state the nature of their participation, whether any criminal charges have been filed against such persons as a result of their participation and the disposition of such charges, if known: _____
- c. Did the accomplice(s) testify at the defendant's trial? Yes () No ()

D. REPRESENTATION OF DEFENDANT

1. How many attorneys represented defendant? 2
[If more than one counsel served, answer the following questions as to each counsel and attached a copy for each to this report.]
2. Name of counsel: Jesse H. Ford, III and Clayton F. Mayo
3. Date counsel secured: 02/09/96
4. How was counsel secured: A. Retained by defendant ()
B. Appointed by court (X)
C. Public defender ()
5. If counsel was appointed by court, was it because:
A. Defendant was unable to afford counsel? ()
B. Defendant refused to secure counsel? ()
C. Other (explain) Defendant had "fired" two (2) previous set of attorneys.
6. How many years has counsel practiced law? A. 0 to 5 ()
B. 5 to 10 (X) CFM
C. over 10 (X) JHF
7. What is the nature of counsel's practice?
A. Mostly civil ()
B. General (X) JHF
C. Mostly criminal (X) CFM
8. Did counsel serve throughout the trial? Yes (X) No ()
9. If not, explain in detail. _____
10. Other significant data about defense representation. Mr. Mayo had been counsel of record in other death penalty cases. Mr. Ford is an experienced criminal trial attorney and has been counsel of record on one death penalty case.

E. GENERAL CONSIDERATIONS

1. What percentage of the population of the county where the trial was held in the same race as the defendant?
 - a. Under 10% ()
 - b. 10% to 25% ()
 - c. 25% to 50% ()
 - d. 50% to 75% (X)
 - e. 75% to 90% ()
 - f. Over 90% ()
2. Were members of the defendant's race represented on the jury?
Yes (X) No ()

How many of the defendant's race were jurors? 11
3. a. Was a change of venue requested? Yes (X) No ()
b. If yes, was it granted? Yes (X) No ()

Reasons for change if granted:

publicity and size of town (Lexington, Tennessee) where offense occurred.

F. CHRONOLOGY OF CASE

1. Date of offense 07/29/94
2. Date of arrest 07/30/94
3. Date trial began 02/03/97
4. Date sentence imposed 02/05/97
5. Date post-trial motions ruled on 03/20/97
6. Date trial judge's report completed _____
- *7. Date received by Supreme Court _____
- *8. Date sentence review completed _____
- *9. Total elapsed days _____
10. Other _____

*To be completed by Supreme Court.

This report was submitted to the defendant's counsel and to the attorney for the state for such comments as either desired to make concerning its factual accuracy.

	<u>D.A.</u>	<u>Defense Counsel</u>
1. Comments are attached	()	()
2. Had no comments	(X)	(X)
3. Has not responded	()	()

I hereby certify that I have completed this report to the best of my ability and that the information herein is accurate and complete.

April 21, 1997
Date

Whit S. LaFon
Judge, Whit S. LaFon
Court of Madison County
Judicial District 26th

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE

STATE OF TENNESSEE,)

VS.)

No. 96-589

JON HALL,)

DEFENDANT'S MITIGATING CIRCUMSTANCES *- modest -*

Tennessee law provides that in arriving at the punishment, the jury shall consider as previously indicated, any mitigating circumstances which shall include, but are not limited to, the following:

- (1) The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- (2) The capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was substantially impaired as a result of mental disease or defect or intoxication which was insufficient to establish a defense to the crime but which substantially affected his judgment.
- (3) The defendant was a good worker and employee.
- (4) The defendant surrendered to the authorities peacefully and without resistance.
- (5) The defendant cooperated fully with police investigators.
- (6) The defendant has acknowledged and never denied his responsibility for this crime.
- (7) The crimes committed were out of character for this defendant.
- (8) The defendant has no significant history of prior criminal activity.
- (9) That the defendant's judgment was substantially impaired due to the extreme violence he witnesses his father commit upon his mother.
- (10) That defendant was a caring and nurturing father who loves his children and took special care of defendant's youngest daughter, who has cerebral palsy.
- (11) That defendant ~~showed remorse~~ showed remorse over the crime.

(12) Any other mitigating factor which is raised by the evidence produced by either the prosecution or defense at either the guilt or sentencing hearing; that is, you shall consider any aspect of the defendant's character or record, or any aspect of the circumstances of the offense favorable to the defendant which is supported by the evidence.

The defendant does not have the burden of proving a mitigating circumstance. If there is some evidence that a mitigating circumstance exists, then the burden of proof is upon the state to prove, beyond a reasonable doubt, that the mitigating circumstance does not exist.


There is no requirement of jury unanimity as to any particular mitigating circumstance, or that you agree on the same mitigating circumstance.

Dated, this the 4th day of February, 1997.

Respectfully submitted,



JESSE H. FORD, III 009775

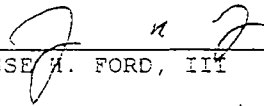


CLAYTON F. MAYO 111133

Attorneys for Defendant
P. O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on Mr. Al Earls, Assistant District Attorney, P. O. Box 2825, Jackson, Tennessee 38302 by mailing the same with sufficient postage to insure proper delivery this the 4th day of February, 1997.



JESSE H. FORD, III

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
STATE OF TENNESSEE,

VS.

JON HALL,

No. 96-589

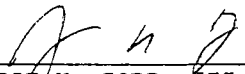
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APR 25 1997
JOE GARNER, CIRCUIT COURT CLERK
DEPUTY CLERK

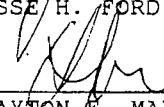
AM. NOTICE OF APPEAL

Notice is hereby given that JON HALL, Petitioner in the above cause, hereby appeals to the Court of Criminal Appeals from the final judgement entered in this action on the 27th day of March, 1997.

Dated, this the 25th day of April, 1997.

Respectfully submitted,

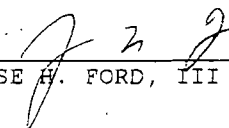

JESSE H. FORD, III 009775


CLAYTON F. MAYO

Attorneys for Defendant
P. O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on Mr. Al Earls, Assistant District Attorney, P. O. Box 2825, Jackson, Tennessee 38302 by mailing the same with sufficient postage to insure proper delivery this the 25th day of April, 1997.


JESSE H. FORD, III

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE,

Appellee,

vs.

JON HALL,

Appellant.

FILED

APR 29 1997

JOE G. RILEY, CLERK OF COURT
DEPUTY CLERK
A.M.

96-589

C. C. A. NO. 02C01-9703-CC-00095

MADISON COUNTY

FILED

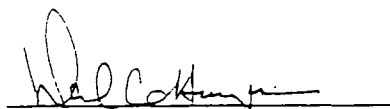
APR 28 1997

Clerk of the Courts
Rec'd By _____ORDER

This matter is before the Court upon the appellant's pro se application for an extraordinary appeal pursuant to T.R.A.P. 10. Specifically, the appellant contends that the trial court improperly denied trial counsel's motion to withdraw from further representation following the conclusion of the proceedings below. The appellant, however, has failed to include a copy of the motion filed by trial counsel or any order entered by the trial court.

Having reviewed the appellant's application, we find that the appellant has failed to satisfy the requirements for consideration under T.R.A.P. 10. IT IS, THEREFORE, ORDERED that the appellant's application for an extraordinary appeal is denied.

Enter, this the 28 day of April, 1997.


PAUL G. SUMMERS, JUDGE
DAVID G. HAYES, JUDGE
JOE G. RILEY, JUDGE

I, Cecil Crowson, Jr., Clerk hereby certify that this is a true and exact copy of the original

file in the cause.

This 28 day of April, 1997
CLERK OF COURT

By: Cecil Crowson, Jr. C.C.

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE,

Appellee,

vs.

JON HALL,

Appellant.

FILED

MAY 21 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK

C. C. A. NO. 02C01-9703-CC-00095

MADISON COUNTY

96-589

FILED

MAY 20 1997

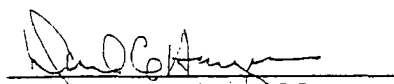
Clerk of the Courts
Rec'd ByORDER

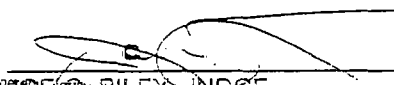
On April 28, 1997, this Court entered an order denying the appellant's pro se application for an extraordinary appeal. The appellant has now filed a petition requesting the Court to reconsider its previous order. Having reviewed the petition, and finding that the same is not well-taken, it is hereby ORDERED that the appellant's pro se petition to rehear is denied.

The appellant also seeks the appointment of counsel. The appellate record, however, has not yet been filed with the Court. Accordingly, there is nothing before this Court indicating that the appellant has been declared indigent. Finding that the appellate record has not been filed with the Clerk of this Court and finding that determinations as to whether the appellant should be allowed to proceed as a poor person and receive appointment of counsel should be made by the trial court, see T.R.A.P. 18, it is, FURTHER ORDERED that the appellant's request for appointment of counsel is also denied.

Enter, this the 20 day of May, 1997.

PAUL G. SUMMERS, JUDGE


DAVID G. HAYES, JUDGE


CECIL CROWSON, JR., CLERK OF COURT
this is a true and exact copy of the original.
file in the cause.

 This 20 day of May, 1997
 CLERK OF COURT
 By: [Signature] D.C.

IN THE CIRCUIT COURT OF Madison COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE,

Plaintiff,

VS.

JON HALL,

Defendant.

NO. 96-589

FILED

MAY 29 1997

JOE GAFFNEY, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M.

MOTION TO DECLARE DEFENDANT INDIGENT
AS TO FINES AND COURT COSTS

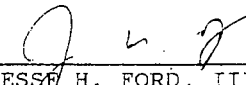
Comes your Defendant, JON HALL, by and through his attorneys of record, Jesse H. Ford, III, and Clayton F. Mayo, and hereby moves this Honorable Court to declare him indigent as to the court costs and fines in this cause for the following reasons:

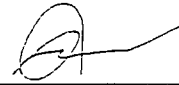
1. That the Court make a finding that Defendant was indigent and appointed our office to represent Defendant;
2. That Defendant was convicted of First Degree Murder on February 3, 1997;
3. That Defendant was sentenced to death on this First Degree Murder conviction;
4. That Defendant will never be released and does not possess the ability to pay the court costs and fines in this cause.

BASED UPON THE FOREGOING, Defendant respectfully requests this Court grant an Order declaring him indigent as to any court costs and fines in this matter.

DATED this the 29th day of May, 1997.

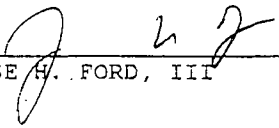
Respectfully submitted,


JESSE H. FORD, III
Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375


CLAYTON F. MAYO
Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, TN 38302, this the 27th day of May, 1997.



JESSE H. FORD, III

IN THE CIRCUIT COURT OF ^{Madison} ~~JEFFERSON~~ COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE,)

Plaintiff,)

VS.)

JON HALL,)

Defendant.)

NO. 96-589

FILED

MAY 30 1997

JOE GARNETT, CIRCUIT COURT CLERK
A.M. DEPUTY CLERK

ORDER TO DECLARE DEFENDANT INDIGENT
AS TO FINES AND COURT COSTS

This cause came to be heard this the ____ day of _____, 1997, before the Honorable Whit LaFon, upon Defendant's Motion to Declare Defendant Indigent as to Fines and Court Costs, and it appearing to the Court that Motion is well taken, and,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Defendant is declared indigent as to all fines and court costs in this matter.

ENTER this the 30 day of May, 1997.

Whit LaFon
HONORABLE WHIT LAFON
Circuit Court Judge

APPROVED FOR ENTRY:

J H F
JESSE H. FORD, III
Attorney for Defendant

CFM
CLAYTON F. MAYO
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, TN 38302, this the 27 day of May, 1997.

J H F
JESSE H. FORD, III

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL DISTRICT, DADE COUNTY, FLORIDA
FILED

STATE OF TENNESSEE,

VS.

JUN 13 1997

No. 96-589

JON HALL,

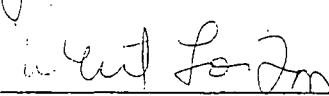
JOE GAFFNEY, CIRCUIT COURT CLERK

DEPUTY CLERK



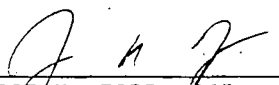
ORDER GRANTING STAY OF EXECUTION

Upon motion of the Defendant, and for good cause shown;

IT IS ORDERED that the sentence in this cause be stayed pending disposition of the sentence review as provided by law.

ENTER, this the 13 day of June, 1997.
WHIT S. LAFON, Circuit Judge

APPROVE FOR ENTRY:


AL EARLS
Assistant District Attorney
P. O. Box 2825
Jackson, TN 38302
CLAYTON F. MAYO
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302
JESSE H. FORD, III 009775
Attorney for Defendant
P. O. Box 1625
Jackson, TN 38302

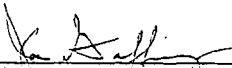
CERTIFICATE AND SEAL

STATE OF TENNESSEE

COUNTY OF MADISON

I, Joe Gaffney, Clerk of the Circuit Court for the County of Madison, in the State aforesaid, do certify that the foregoing is a correct transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein between STATE OF TENNESSEE, APPELLEE/APPELLANT, and JON DOUGLAS HALL, APPELLEE/ APPELLANT, as same remains of record in said Court.

IN TESTIMONY WHEREOF, I hereunto
subscribe my name and affix the
seal of said office, in Jackson,
the 6th day of August in the
year of One Thousand Nine Hundred
Ninety-Seven in the 221st year of
American Independence.


JOE GAFFNEY, CIRCUIT COURT CLERK